Title 14
ROADS AND BRIDGES[1]

Chapters:

1. **[For statutory provisions generally regarding county roads and bridges, see chapters 36.75 through 36.88 RCW.]**

Chapter 14.02
GENERAL PROVISIONS

Sections:

14.02.010 Relationship to comprehensive plan and growth management act. Title 14 (Roads and Bridges) of the King County Code is hereby amended in accordance with RCW 36.70A to adopt development regulations to implement the King County Comprehensive Plan. (Ord. 11617 § 1, 1994).

14.02.020 Financial guarantees authorized. The department of development and environmental services (or its successor organization) is authorized to require all applicants issued permits or approvals under the provisions of the title to post financial guarantees consistent with the provisions of Title 27A. (Ord. 12020 § 34, 1995).

Chapter 14.04
OFFICIAL ROAD SYSTEM

Sections:

14.04.010 Official road/street system. The county executive of King County has been advised by the director of public works that the need exists for an official King County road/street system. This system will show, by maps and/or exhibits, the roads/streets for which King County has maintenance responsibility. (Ord. 665 § 1, 1970).

14.04.020 Road index maps. The official King County road/street system will be indicated by the following King County road index maps: Sheets 1, 2, 3, 4; Sheets 2-A, 2-, 2-C, 2-D, 2-E, 2-F, 2-G, 2-H, 2-J, 2-K, 2-L, 3-A, 3-B, 3-C, 3-D, 3-E, and all area insert sheets used in conjunction with the foregoing. A digital code will be employed to indicate King County maintenance responsibilities. (Ord. 665 § 2, 1970).

14.04.030 Maps are exhibits. The aforementioned maps will also be known as exhibits to be indicated by the sheet designation. Computer sheets contained in a loose-leaf binder shall be used as reference exhibits in conjunction with the map exhibits. These computer sheets must be revised periodically to correspond with revisions made on the map exhibits. (Ord. 665 § 3, 1970).

14.04.040 Roads/streets included. Only those roads/streets which are exclusive of state roads and exclusive of roads and streets within incorporated areas of King County shall be considered part of the King County road/street system. (Ord. 665 § 4, 1970).

14.04.050 Revision of street exhibits. It shall be the responsibility of the director of public works, or his appointed representative to revise the King County road/street exhibits. Revisions shall be made as soon as practicable after any change occurs. The director of public works shall furnish annually a completely revised and current set of exhibits which shall be used for a period of one year as official designator of King County roads/streets. (Ord. 665 § 5, 1970).

14.04.060 Additions and deletions made by ordinance. Authority for additions to; deletions from; or characteristic changes in the roads/streets on the exhibit sheets shall be by ordinance or by statute as set forth in the Revised Code of Washington. (Ord. 665 § 6, 1970).

14.04.070 Streets constructed by highway department included.[1] All roads/streets constructed by the Washington State Department of Highways in conjunction with, and/or adjacent to, an Interstate Highway, State Primary or State Limited Access Highway and used as access, exit, frontage road or service road and covered by a maintenance agreement between the Washington State Department of Highways and King County shall be considered a part of the King County road/street system whether or not the state has relinquished any or all claim. (Ord. 665 § 7, 1970).

14.04.080 Inclusion of roads which have reverted to county. The King County road/street system shall include all roads/streets which have reverted to King County by virtue of prescriptive rights as set forth in RCW 36.75.070 and RCW 36.75.080. (Ord. 665 § 8, 1970).

14.04.090 Director's annual report. The director of public works shall have an annual report prepared of the King County road/street system for study and recommendations. The report shall be submitted by the director on January 2nd or as soon thereafter as possible and practicable. The report must contain all additions and deletions to the road/street system. It must also include all physical changes, mileage in each county division and any other information considered relevant to a concise and comprehensive representation of the King County road/street system. (Ord. 665 § 9, 1970).

14.04.100 Inaccuracies corrected. If any inaccuracies appear on the exhibits in conflict with records on file, the inaccuracies shall be corrected on the exhibits and in no case shall affect the provisions of this chapter or the status of the exhibits as official designators of the official King County road/street system. (Ord. 665 § 10, 1970).

Chapter 14.12
LOAD RESTRICTIONS ON ROADS

Sections:

14.12.010 Road closure policy.[2] The following policy is approved and adopted, and henceforth all road closure and load limit restrictions will be disseminated in accordance with this policy insofar as it is possible to do so:

A. A list of roads which will remain open and available for school bus use during thawing conditions will be supplied to each and every school district operating on county roads within King County. This will be accomplished during the month of September of each school year.

[1] **[For statutory provisions regarding state and county cooperation in highway maintenance, see RCW 47.28.140.]**

[2] **[For statutory provisions regarding road closures, see chapter 47.48 RCW; for provisions authorizing the limitation of type or weight of vehicles on county roads or bridges, see RCW 36.75.270. and 46.44.080.]**

B. In the event road closures are required, the school district will be notified prior to one p.m. of the day preceding the road closures on school bus routes, to be effective the following day. If the morning pick-up of children is accomplished, the school district will be permitted to use these routes for the returning of the children to their normal bus stops.

C. School buses will be permitted to turn around at the intersection of a school bus route which is closed, and the open route with the minimum maneuvering possible on the closed road in the intersection area.

D. The county will establish the necessary communications with the school districts to provide the proper notification. The county engineer will initiate road closures and unless specified otherwise, closures shall be county-wide. (Res. 25878, 1963).

14.12.020 Winter and emergency load restrictions. The following emergency restrictions shall be in effect on county roads during such periods of freezing and thawing conditions as determined by the King County road engineer:

REGULAR WINTER LOAD RESTRICTIONS

Conventional		Tubeless or Special with .5 Marking	
Tire Size	Gross Load Each Tire	Tire Size	Gross Load Each Tire
7.00	1800 lbs.	8-22.5	2250 lbs.
7.50	2250 lbs.	9-22.5	2800 lbs.
8.25	2800 lbs.	10-22.5	3400 lbs.
9.00	3400 lbs.	11-22.5	4000 lbs.
10.00	4000 lbs.	11-24.5	4000 lbs.
11.00	4500 lbs.	12-22.5	4500 lbs.
12.00 or over	4500 lbs.	12-24.5 or over	4500 lbs.

EMERGENCY LOAD RESTRICTIONS

Conventional Tires		Tubeless or Special with .5 Marking	
Tire Size	Gross Load Each Tire	Tire Size	Gross Load Each Tire
7.00	1800 lbs.	8-22.5	1800 lbs.
7.50	1800 lbs.	9-22.5	1900 lbs.
8.25	1900 lbs.	10-22.5	2250 lbs.
9.00	2250 lbs.	11-22.5	2750 lbs.
10.00	2750 lbs.	11-24.5	2750 lbs.
11.00 or over	3000 lbs.	12-22.5 or over	3000 lbs.

A further load restriction of five tons gross on any vehicle may be placed on roads under severe conditions. (Res. 27219, 1964).

Chapter 14.16
LOAD LIMITS ON BRIDGES[1]

Sections:

14.16.010 Gross weight allowed and notification. It is unlawful for any person to operate a vehicle over any King County bridge when such vehicle has a gross weight that is greater than the posted maximum weight for that bridge, unless the driver is in possession of a limited special permit issued by the county road engineer or designee for the safe use of such bridge.

Notice of closing of individual bridges to certain classes or weights of vehicles shall be:

A. Published in a local newspaper of general circulation, and

B. Posted on signs at each end of subject bridge, on or prior to the date of publication. All signs shall be erected and maintained in accordance with RCW 36.86.040, RCW 46.61.450 and RCW 47.36.030.

Maximum gross weights for vehicles operating over King County bridges shall be established by ordinance in accordance with RCW 36.75.270 and RCW 46.44.080.

[1] **[For statutory provisions authorizing load limits on bridges, see RCW 36.75.270 and 46.44.080.]**

The county road engineer shall have the authority by administrative determination to immediately impose temporary gross weight limits on bridges based on the results of an engineering and traffic investigation. The traffic engineer shall have the authority to immediately erect and maintain official traffic control devices for temporary gross weight limits on bridges as directed by the county road engineer and in accordance with Chapter 46.90 RCW, WAC 308-330-265 and K.C.C. 46.04.010. The temporary gross weight limits on bridges shall be in effect for not longer than one year from the date of posting or until the weight limits are established by ordinance. (Ord. 11426 § 1, 1994).

14.16.015 Limited special permits. The county road engineer or designee is authorized to issue limited special permits for the safe use of load limited bridges by emergency vehicles and other vehicles exceeding the posted maximum weight. (Ord. 11426 § 3, 1994).

14.16.020 Maximum gross vehicle weight. Those King County bridges that are posted one legal load are done so pursuant to definitions and standards for maximum gross vehicle weight contained in RCW 46.44, particularly the vehicle weight table of RCW 46.44.041. (Ord. 5701 § 3, 1981).

14.16.030 Alvord "T" Bridge 3130. The use of Bridge 3130 shall be limited to one truck at a time and be prohibited to loads in excess of twenty tons for three axle vehicles, thirty tons for five axle vehicles, and forty tons for six axle vehicles until further notice. (Ord. 11095 § 1, 1993: Ord. 5701 § 4, 1981).

14.16.040 Baring Suspension Bridge 509-A. The use of Bridge 509-A shall be prohibited to loads in excess of ten tons until further notice. (Ord. 11832 § 1, 1995: Ord. 5701 § 5, 1981).

14.16.045 Cedar Mt. Ramp Bridge 3165-A. The use of Bridge 3165-A shall be prohibited to loads in excess of ten tons until further notice. (Ord. 11095 § 12, 1993).

14.16.050 Edgewick Bridge 617-B. The use of Bridge 617-B shall be limited to one truck at a time and be prohibited to loads in excess of twenty three tons for three axle vehicles until further notice. (Ord. 11095 § 2, 1993: Ord. 5701 § 6, 1981).

14.16.060 Elliott Bridge 3166. The use of Bridge 3166 shall be limited to one truck at a time and prohibited to loads in excess of eighteen tons for three axle vehicles, twenty-two tons for five axle vehicles and twenty-three tons for six axle vehicles until further notice. (Ord. 13067 § 1, 1998: Ord. 5701 § 7, 1981).

14.16.085 Harris Creek Bridge 5003. The use of Bridge 5003 shall be prohibited to loads in excess of twenty tons for three axle vehicles, thirty one tons for five axle vehicles, and forty tons for six axle vehicles until further notice. (Ord. 11095 § 20, 1993).

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14.16.087 Horse Shoe Lake Creek Bridge 257-Z. The use of Bridge 257-Z shall be prohibited to loads in excess of twenty tons of three axle vehicles, thirty two tons for five axle vehicles, and thirty nine tons for six axle vehicles until further notice. (Ord. 11925 § 2, 1995).

14.16.092 Kelly Road - Cherry Bridge 5008. The use of Bridge 5008 shall be prohibited to loads in excess of twenty one tons for three axle vehicles, and forty tons for six axle vehicles until further notice. (Ord. 11095 § 21, 1993).

14.16.094 Meadowbrook Bridge 1726-A. The use of Bridge 1726-A shall be limited to one truck at a time and be prohibited to loads in excess of sixteen tons for three axle vehicles, twenty six tons for five axle vehicles, and thirty two tons for six axle vehicles until further notice. (Ord. 11095 § 6, 1993: Ord. 6709 § 4, 1984).

14.16.100 Miller River Bridge 999-W. The use of Bridge 999-W shall be limited to one truck at a time and be prohibited to loads in excess of twenty three tons for three axle vehicles until further notice. (Ord. 11095 § 7, 1993: Ord. 5701 § 11, 1981).

14.16.105 Mt. Si Bridge 2550-A. The use of Bridge 2550-A shall be limited to one truck at a time and be prohibited to loads in excess of sixteen tons for three axle vehicles, twenty six tons for five axle vehicles, and thirty two tons for six axle vehicles until further notice. (Ord. 11095 § 17, 1993).

14.16.120 Novelty Hill Bridge 404-B. The use of Bridge 404-B shall be limited to one truck at a time and be prohibited to loads in excess of seventeen tons for three axle vehicles, twenty six tons for five axle vehicles, and thirty two tons for six axle vehicles until further notice. (Ord. 11095 § 14, 1993: Ord. 5701 § 13, 1981).

14.16.131 Patterson Creek Bridge 297-B. The use of Bridge 927-B shall be prohibited to loads in excess of twenty one tons for three axle vehicles, thirty four tons for five axle vehicles, and forty tons for six axle vehicles until further notice. (Ord. 11925 § 3, 1995).

14.16.132 Preston Bridge 682-A. The use of Bridge 682-A shall be prohibited to loads in excess of sixteen tons for three axle vehicles, sixteen tons for five axle vehicles and twenty tons for six axle vehicles until further notice. (Ord. 13643 § 1, 1999: Ord. 11095 § 16, 1993).

14.16.140 Smith Parker Bridge 615-A. The use of Bridge 615-A shall be limited to one truck at a time and be prohibited to loads in excess of twenty tons for three axle vehicles, thirty tons for five axle vehicles, and forty tons for six axle vehicles until further notice. (Ord. 11095 § 23, 1993: Ord. 5701 § 15, 1981).

14.16.145 Tokul Creek Bridge 61-G. The use of Bridge 61-G shall be prohibited to loads in excess of eighteen tons for three axle vehicles, twenty four tons for five axle vehicles, and thirty two tons for six axle vehicles until further notice. (Ord. 11925 § 1, 1995: Ord. 11095 § 13, 1993).

14.16.150 Tolt Bridge 1834-A. The use of Bridge 1834-A shall be limited to one truck at a time and be prohibited to loads in excess of seventeen tons for three axle vehicles, twenty seven tons for five axle vehicles, and thirty four tons for six axle vehicles until further notice. (Ord. 11095 § 10, 1993: Ord. 5701 § 16, 1981).

14.16.165 York Bridge 225-C. The use of Bridge 225-C shall be prohibited to loads in excess of seventeen tons for three axle vehicles, twenty six tons for five axle vehicles, and thirty one tons for six axle vehicles until further notice. (Ord. 11095 § 15, 1993).

14.16.170 Enforcement. The director of the department of public works and the director of the department of public safety are authorized to enforce the provisions of this chapter and any rules and regulations promulgated thereunder.

Any violation of this chapter is a traffic infraction and subject to a penalty of $250. (Ord. 11426 § 2, 1994: Ord. 5701 § 18, 1981).

14.16.180 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 5701 § 19, 1981).

Chapter 14.20
STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION

Sections:

14.20.010 Standard specifications adopted. The 1996 English edition of the Standard Specifications for Road, Bridge, and Municipal Construction issued by the Washington State Department of Transportation and the American Public Works Association, Washington State Chapter, is adopted as the standard specifications for road, bridge and drainage construction in King County, except that the provisions of the 1994 edition shall continue in effect on those current projects advertised prior to November 1, 1996 for construction. (Ord. 12656 § 1, 1997: Ord. 11247 § 1, 1994: Ord. 9919, 1991: Ord. 8422, 1988: Ord. 7072, 1984: Ord. 5486 § 1, 1981: Ord. 3134 § 1, 1977: Ord. 1969 § 1, 1974).

14.20.020 Department of public works to comply with standards. The department of public works will comply with the Soil Conservation Service Standards, Specifications and Contracting Procedures when working in conjunction with the federal government on a project requiring such compliance. (Ord. 11247 § 1, 1994: Ord. 336 (part), 1970).

Chapter 14.24
ROAD CONSTRUCTION RULES ADOPTED

Sections:

14.24.010 Rules adopted. Standards, rules and regulations pertaining to the construction of plat roads and the performance of other road construction work on King County rights-of-way are hereby adopted and approved by the King County council and made an integral part of this chapter. The department of public works shall print copies of said standards, rules and regulations and subsequent revisions and additions thereto, and make the same available to anyone proposing to do work on King County rights-of-way. It is also made the duty of the department of public works to prepare and periodically update a county bonding schedule for use in determining appropriate construction, maintenance or restoration bonds for road and drainage facilities developed in compliance with adopted standards. (Ord. 7990 § 10, 1987: Ord. 5911 § 6, 1982: Res. 22903 (part), 1961).

14.24.020 Enforcement. The director of the department of public works is authorized to enforce the provision of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23. (Ord. 2910 § 3 (part), 1976: Res. 22903 (part), 1961).

Chapter 14.28
RIGHTS-OF-WAY

Sections:

14.28.010 Definitions. A. APPLICANT. "Applicant" means a property owner or a public agency or public or private utility which owns a right-of-way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

B. DEPARTMENT. "Department" means the department of development and environmental services.

C. DEVELOPMENT APPROVAL. "Development approval" means the granting of a building permit, mobile home on-site permit, short subdivision or other county land use approval or approvals.

D. DEVELOPMENT ENGINEER. "Development engineer" means the building and land development division employee authorized to oversee the review, conditioning, inspection and acceptance of right-of-way use permits, road and drainage projects constructed pursuant to permits administered by the division. The development engineer or designee shall be a professional civil engineer registered and licensed under the laws of the State of Washington.

E. RIGHT-OF-WAY USE PERMIT.

1. "Right-of-way use permit: limited" means a permit authorizing the use of the county right-of-way for a designated purpose and for a period of time limited to one year or less.

2. "Right-of-way use permit: extended" means a permit authorizing the use of the county right-of-way for a designated purpose and for a period of time exceeding one year in duration. (Ord. 12196 § 2, 1996: Ord. 11700 § 7, 1995: Ord. 7990 § 11, 1987: Ord. 4895 § 1, 1980).

14.28.020 Permit required for improvement or use - Application processing. A. PERMITS REQUIRED. County road right-of-way shall not be privately improved or used for access or other purposes and no development approval shall be issued which requires use of privately maintained county right-of-way unless a permit therefor has been issued pursuant to this chapter, except for utility construction work authorized pursuant to K.C.C. Chapter 14.44. This section shall not apply to driveway connections from private property to county road right-of-way.

B. GENERAL PROCEDURES.

1. Upon receipt of an application for right-of-way use permit, limited or extended, the division shall forward copies of the application to the division of real property, which shall determine whether the proposed activity is within county-owned right of way.

2. The division shall be the lead agency for the compliance with the State Environmental Policy Act. In addition, the development engineer shall review applications for compliance with applicable county plans, policies, regulations and standards. Prior to issuing a right-of-way use permit, the division shall determine and secure an appropriate financial guarantee consistent with the provisions of Title 27A.

3. The division shall, when feasible, consolidate right-of-way use permits with other development approvals to prevent duplication and increase efficiency. The fee for a consolidated approval shall be reduced to the extent separate fees would be duplicative. (Ord. 12020 § 43, 1995: Ord. 7990 § 12, 1987: Ord. 4895 § 2, 1980).

14.28.030 Permit - Additional requirements. A. PLANS. Detailed engineering and restoration plans and/or drainage plan pursuant to K.C.C. 9.04 and Ordinance No. 4463, K.C.C. 19.20, may be required when considered necessary by the development engineer. Costs for the development of such plan and conduct of required studies shall be borne by the permit applicant, and, if the plan is returned, it shall be returned to the applicant.

B. SURVEY. When considered necessary by the development engineer to adequately define the limits of right-of-way, the permit applicant shall cause the right-of-way to be surveyed by a licensed land surveyor. Such survey shall be recorded in accordance with the Survey Recording Act.

C. DEDICATION. A permit applicant may be required to deed additional right-of-way across property under his authority when necessary to fulfill the minimum road right-of-way width prescribed in RCW 36.86.010.

D. ILLEGAL SUBDIVISION. A permit shall not be issued to provide access to a lot or parcel created in violation of state and county subdivision regulations. (Ord. 11700, § 8, 1995: Ord. 7990 § 13, 1987: Ord. 4895 § 7, 1980).

14.28.050 Permit - Limited. A. Upon filing of a complete application, payment of the fee, and posting of the required financial guarantee for construction, maintenance, and restoration of the right-of-way consistent with the provisions of Title 27A, the division may issue a permit authorizing the limited use of county road right-of-way, for use by designated private parties for a specific use which is less than one year in duration.

B. The permit may require construction and restoration of the right-of-way to adopted standards based on the nature and duration of the specific use, and subject to division inspection. In addition, conditions may be set to assure the compliance with county plans, policies, standards and regulations. Such conditions may require performance in excess of adopted road standards.

C. The permit applicant shall assume sole responsibility for the safe and adequate operation and maintenance of any improvements to the county right-of-way during the period of time the permit is in effect.

D. The permit applicant may apply for one one-year extension to the right-of-way use permit: limited, upon written application for an extension, payment of the fees, and being found to have fully complied with the conditions and requirements of the original permit. The application for extension may only be made after the first six months of the original permit life. (Ord. 12020 § 44, 1995: Ord. 7990 § 14, 1987: Ord. 4895 § 5, 1980).

14.28.060 Permit - Extended. A. Upon filing of a complete application and payment of fee, the division may issue a permit authorizing the use of the county right-of-way for a designated use and for a period exceeding one year in duration.

B. The applicant may be required to construct a road to specific standards which may include full compliance with adopted King County road standards, and may be required to post financial guarantees consistent with the provisions of Ordinance 12020 for construction, restoration and maintenance. Construction work and all restoration work required by the permit shall be completed within one year of the permit's issuance. In addition, the division may set conditions to assure compliance of the permit with other adopted plans, county policies, and regulations.

C. The department of public works shall place and maintain permanent sign(s) denoting the end of the county-maintained road.

D. The applicant shall have sole responsibility for the safe construction, operation and maintenance of any improvements to the county right-of-way pursuant to the permit, until such time as the improvements are officially accepted for maintenance by King County.

E. The permit applicant may be required to record a covenant running with the land and for the benefit of King County, which contains:

1. A legal description of the lot or parcel to be served by the right-of-way use permits, limited or extended;

2. A statement indicating that access to such parcel is across an unmaintained county right-of-way, that the county is not responsible for maintenance of the right-of-way and that responsibility for maintenance of the road rests jointly and equitably upon all permit holders;

3. A statement that the owner(s) of the parcel will not oppose participation in a county road improvement district, if formation of such a district is deemed necessary by King County;

4. A prohibition against subdividing such parcel without obtaining either plat or short plat approval therefor, or if exempt from platting, a right-of-way use permit for the additional lots being created;

5. A statement that the right-of-way use permit covenant is binding on the successors and assigns of the owner(s); and

6. The acknowledged signature(s) of the owner(s) of such parcel. (Ord. 12020 § 45, 1995: Ord. 7990 § 15, 1987: Ord. 4895 § 6, 1980).

14.28.070 Permit-Interpretation. Permits issued pursuant to this chapter shall not be construed to convey any vested right or ownership interest in any county right-of-way. Every right-of-way use permit shall state on its face that any county right-of-way opened pursuant to this chapter shall be open to use by the general public except in those cases where specific conditions in a right-of-way use permit: limited, restrict the use of the right-of-way for safety reasons. (Ord. 4895 § 10, 1980).

14.28.080 Compliance required of driveway connections or other access to county road rights-of-way. No driveway connection or other access from
private property to a county road right-of-way shall be built or maintained which does not comply with the King County road standards adopted by Ordinance No. 4463, K.C.C. 19.20. (Ord. 4895 § 9, 1980).

14.28.090 Enforcement. The director of the department of public works and the director of the department of planning and community development are authorized to enforce the provisions of this chapter, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23. (Ord. 4895 § 11, 1980).

14.28.100 Retroactivity. All access approvals, trail permits and right-of-way use permits issued by King County division of real property prior to the effective date of this chapter shall not be affected by the provisions of this chapter. (Ord. 4895 § 3, 1980).

14.28.110 Effective date. The ordinance codified in this chapter shall become effective thirty days after signing by the county executive. (Ord. 4895 § 4, 1980).

Chapter 14.30
PERMIT SYSTEM FOR COUNTY PROPERTY

Sections:

14.30.010 Definitions. A. "County property" herein means all county real property, including but not limited to recreational trails, county road rights-of-way and dedicated open space.

B. "Special Use Permits" means a permit for the use of county property issued pursuant to this chapter.

C. "Custodial Departments" means those county departments whose function it is to manage and control county use of said rights-of-way or other county property. (Ord. 6254 § 1, 1982).

14.30.020 Permit requirement. A. Special use permits shall be required for any use of county property except uses regulated pursuant to K.C.C. 14.44 relating to utility permits and K.C.C. 14.28 relating to county road system rights-of-way use permits.

B. Upon receipt of an application for a "Special Use" permit upon county property, the property services division shall determine whether the proposed use is upon county owned property.

C. The property services division shall forward the application to all county custodial departments for review.

D. The custodial departments shall review the application and forward its recommendation whether the permit shall be issued by the property services division. If a custodial department recommends denial, the property services division shall deny the permit.

E. If there is no custodial department with jurisdiction over the county property, the property services division shall evaluate the feasibility of the proposed use, its impact on other uses of the county property and its impact on public health and safety. Based on this evaluation, the property services division shall determine whether the permit should be issued.

F. In all cases, the property services division shall forward the application to the department of development and environmental services for recommendations on sensitive area issues and the property services division shall be responsible for assuring that any application meets the requirements of the sensitive areas code set out in K.C.C. Chapter 21A.24 and the administrative rules promulgated thereunder before the permit is issued. (Ord. 11792 § 11, 1995: Ord. 9614 § 106, 1990: Ord. 6254 § 2, 1982).

14.30.025 Inspection fee. The permit applicant is required to pay an inspection fee at the rate of forty dollars per hour to the department of public works, roads and engineering division, for inspections necessary to establish compliance with the terms and conditions of each special use permit. The fees are in addition to any other county fees and are nonrefundable. The fees shall be collected in accordance with administrative procedures developed by the department of public works. (Ord. 7025 § 5, 1984).

14.30.030 Permit issuance. A. Upon filing of a complete application, necessary approval of said application and the payment of the administrative fee and posting of any required bond, the real property division* may issue a permit authorizing the designated use of county property by the permittee.

B. The permit may require restoration of the county property to standards prescribed by the custodial department and the real property division* in view of the nature and duration of the special use. In addition, conditions may be set by the real property division* to assure compliance of the permit with county policies, ordinances and other applicable laws and regulations.

C. The permit applicant may be required to post a performance bond in an amount which will:

1. Guarantee the use will be in compliance with standards and conditions prescribed by the real property division*:

2. Guarantee restoration of the county property to a condition consistent with the special use permit and the county's own use of its property. (Ord. 6254 § 3, 1982).

14.30.040 Liability. The permit applicant shall be solely responsible for the adequate operation and maintenance of any improvements constructed by the permittee to the county property and shall assume liability for all injuries to persons or property as the result of activities pursuant to a special use permit. (Ord. 6254 § 4, 1982).

14.30.050 Additional Requirements. A. Survey. When considered necessary by the real property division* to adequately determine the limits of the county property, the permit applicant shall cause the county property to be surveyed by a licensed land surveyor. Such survey shall be recorded in accordance with the Survey Recording Act. The cost of such survey shall be paid by the permit applicant.

B. Dedication. A permit applicant may be required to deed additional right-of-way across property under his authority when necessary to fulfill any county policy, ordinance or laws. (Ord. 6254 § 5, 1982).

* **[Editor's note: Ord. 10553, 1992, renamed and transferred the powers, duties and functions to the property services division.]**

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14.30.060 Fee. A. Effective January 1, 1999, a seventy-five dollar application fee to recover the cost of processing the application as determined by the property services division shall be paid thereto upon filing of the application. The fee is nonrefundable. However, the property services division manager shall have the authority to waive the fees for permits when waiver of the fees is in the best interest of the public health, safety and welfare.

B. The property services division shall have the authority to charge an annual fee for uses of county property where appropriate considering the duration of the proposed use.

C. The property services division shall have the authority to require applicants to reimburse King County for all expenses to be incurred by King County as a result of issuance of a special use permit. The payment shall be made at the time of permit issuance. (Ord. 13327 § 4, 1998: Ord. 7022 § 1, 1984: Ord. 6254 § 6, 1982).

14.30.070 Interpretation. Permits issued pursuant to this chapter shall not be construed to convey any vested right of ownership interest in any county property. (Ord. 6254 § 7, 1982).

14.30.080 Enforcement. The manager of the real property division and director of the applicable custodial department are authorized to enforce the provisions of this chapter, pursuant to K.C.C. 23. (Ord. 6254 § 8, 1982).

14.30.090 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 6254 § 9, 1982).

Chapter 14.32
INSTALLATION OF PUBLIC BENCHES

Sections:

14.32.010 Definitions. A. "Bench" means a seat located upon public property along any public thoroughfare for the accommodation of passerby or persons awaiting transportation.

B. "Street" means any public thoroughfare including the sidewalk, the parkway and any other public property bordering upon a public thoroughfare. (Res. 9793 Para. 1, 1945).

14.32.020 Permit - Required for each bench. No person shall install or maintain any bench on any street without a permit therefor from the county road engineer, who shall hereafter be referred to as the engineer. A separate permit must be obtained for each bench, which permit shall be valid only for the particular location specified thereon. Each permit shall bear a separate number and not more than two permits shall be issued for any one location. (Res. 9793 Para. 2, 1945).

14.32.030 Permit - Application - Bench plans. No bench permit shall be issued except upon written application, made upon a form prescribed by the engineer, showing the proposed location of each bench, the advertising, if any, to appear thereon and such other information as the engineer may require.

Detailed plans and specifications of each bench shall be supplied by the applicant. (Res. 9793 Para. 3(a) and (b), 1945).

14.32.040 Consent of property owner. Each application must be accompanied by a writing signed by the owner or person in lawful possession or control of the property abutting upon the public street at the place where the bench is proposed to be located, giving his consent to the installation and maintenance of the bench. (Res. 9793 Para. 3(c), 1945).

14.32.050 Bench owner to sign permit application - Inspection fee. Each application must be signed by the owner of the bench or benches for which permits are requested, and must be accompanied by an inspection fee of one dollar for each such bench. (Res. 9793 Para. 3(d), 1945).

14.32.060 Permit - Fee payment. If the application is granted, an additional fee of two dollars shall be collected at the time of the issuance of the permit for each bench for which a permit is issued. (Res. 9793 Para. 3(e), 1945).

14.32.070 Permit - Expiration - Renewal application and fee. Each permit shall expire on July 1st next following the date of issuance unless renewed. A fee of two dollars for each bench shall be charged for each annual renewal of the permit. Application for renewal must be made prior to the expiration date, and must be accompanied by the renewal fee. (Res. 9793 Para. 3(f), 1945).

14.32.080 Transfer of bench ownership or title. Whenever a bench for which a permit has been issued is sold or title or control thereof assigned or transferred, a new permit must be obtained for its maintenance. (Res. 9793 Para. 3(g), 1945).

14.32.090 Permit - Grounds for denial. The application shall be denied if the engineer finds that the maintenance of the bench would tend to obstruct passage along any public thoroughfare or to create a hazard or would otherwise be detrimental to the public safety, welfare or convenience. (Res. 9793 Para. 4(a), 1945).

14.32.100 Permit - Withdrawal of consent by property owner. If the abutting owner withdraws his consent to the continued maintenance of the bench, and gives written notice thereof to the engineer, then at the expiration of the current term of the permit, a renewal of the permit shall be denied. The engineer shall inform the permittee of the receipt of such notice. (Res. 9793 Para. 4(c), 1945).

14.32.110 Permit - Time limit for acceptance and fee payment. The application shall be cancelled and denied if the applicant fails to deposit the annual fee and accept the permit within ten days after notice of the approval of the application by the engineer. (Res. 9793 Para. 4(d), 1945).

14.32.120 Permit - Cancellation after installation delay. Any permit issued under this chapter shall be cancelled and revoked if the permittee fails to install the bench within sixty days after the date of the issuance of the permit. (Res. 9793 Para. 4(e), 1945).

14.32.130 Permit - Protest of nearby property owner. The application shall be cancelled and denied, or the permit revoked, as the case may be, if sixty percent of the property owners and/or tenants living or having their place of business within two hundred feet of the location of the bench or benches protest the same. (Res. 9793 Para. 4(f), 1945).

14.32.140 Distance of bench from curb. No permittee shall locate or maintain any bench at a point less than eighteen inches or more than thirty inches from the face of the curb, and each bench must be kept parallel with the curb. (Res. 9793 Para. 5(a), 1945).

14.32.150 Height and length of bench. No bench shall be more than forty-two inches high nor more than two feet, six inches wide, nor more than seven feet long, over all. (Res. 9793 Para. 5(b), 1945).

14.32.160 Bench to display name and permit number of permittee. Each bench must have displayed thereon, in a conspicuous place, the name of the permittee and the permit number. (Res. 9793 Para. 5(c), 1945).

14.32.170 Maintenance of bench by permittee. It shall be the duty of the permittee to maintain each bench at all times in a safe condition and at its proper and lawful location, and to inspect each bench periodically. (Res. 9793 Para. 5(d), 1945).

14.32.180 Location and space permitted advertising. No advertising matter or sign whatever shall be displayed upon any bench except upon the front and rear surfaces of the backrest, and not more than seventy-five percent of each such surface shall be so used. No pictures or representations in irregular contour shall appear on any bench. All advertising shall be subject to the approval of the engineer. (Res. 9793 Para. 6(a), 1945).

14.32.190 Use of words misleading to traffic. No advertisement or sign on any bench shall display the words "Stop," "Look," "Drive-In," "Danger" or any other word, phrase, symbol or character calculated to interfere with, mislead or distract traffic. (Res. 9793 Para. 6(b), 1945).

14.32.200 Disposition of bench on revocation of permit - Recovery by permittee. After the revocation of any permit, the engineer may remove and store the bench, if the permittee fails to do so within ten days after notice.

The permittee may recover the bench, if, within sixty days after the removal, he pays the cost of such removal and storage, which shall not exceed two dollars for removal and five dollars a month for storage, for each such bench. After sixty days, the engineer may sell, destroy or otherwise dispose of the bench at his discretion.

All of the foregoing shall be at the sole risk of the permittee and shall be in addition to any other remedy provided by law for the violation of this chapter. (Res. 9793 Para. 7, 1945).

14.32.210 Refund of fees on revocation of permit. No fee paid pursuant to this chapter shall be refunded in the event the application is denied or the permit revoked, except that when for any cause beyond the control of the permittee a permit is revoked within sixty days after the date of the issuance or last renewal thereof, the two-dollar fee therefor for the current year may be refunded to the permittee, upon written demand filed within six months after the date of the revocation. (Res. 9793 Para. 9, 1945).

14.32.220 Enforcement. The director of the department of public works and transportation is authorized to enforce the provision of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23. (Ord. 2910 § 3(part), 1976: Res. 9793 (part), 1945).

14.32.230 Bond. No permit shall be issued unless the applicant posts and maintains with King County a surety bond or policy of public liability insurance, approved by the engineer and conditioned as hereinafter provided, viz: that permittee will indemnify and save harmless the county of King, its officers and employees from any and all loss, costs, damages, expenses or liability which may result from or arise out of the granting of the permit, or the installation or maintenance of the bench for which the permit is issued, and that the permittee will pay any and all loss or damage that may be sustained by any person as a result of or which may be caused by or arise out of such installation or maintenance. The bond or policy of insurance shall be maintained in its original amount by the permittee at his expense at all times during the period for which the permit is in effect. In the event that two or more permits are issued to one permittee, one such bond or policy of insurance may be furnished to cover two or more benches, and each bond or policy shall be of such a type that its coverage shall be automatically restored immediately from and after the time of the reporting of any accident from which liability may thereafter accrue. (Res. 9793 Para. 10, 1945).

14.32.240 Schedule of liability limits for bonds and insurance policies. The limit of liability upon any bond or policy of insurance, posted pursuant to the requirements of this chapter, shall in no case be less than five thousand dollars for bodily injuries to or death of one person. The permissible limit of liability for bodily injuries or death of more than one person shall depend upon the number of bench permits covered thereby, and shall not be less than the amount specified in the following schedule:

Number of Bench Permits	Limits of Liability
1 to 10	$ 10,000.00
11 to 50	20,000.00
51 to 100	40,000.00
101 or more	80,000.00

(Res. 9793 Para. 11, 1945).

Chapter 14.38
ROAD CLOSURE BY PETITION

Sections:

14.38.010 Authority. The department of transportation shall be responsible for receiving and processing all road closure petitions, and for recommending to the council whether or not the roads identified in the petition should be closed. The authority to make and issue said recommendations shall be vested in the director, department of transportation. Nothing in this chapter shall be construed to abrogate or abridge the powers of the county road engineer to temporarily close county roads, as may be authorized by law. (Ord. 12370 § 1, 1996: Ord. 10962 §§ 1, 6, 1993).

14.38.020 Petitions. A. Petitions to close King County roads shall be filed with the director, department of transportation.

B. Said petitions shall include: the names, signatures and legal addresses of the persons filing the petition; the location of the roads or streets which the petitioners wish to have closed, including the intersections delineating the boundaries of the road or street sections to be closed; a map depicting the road or streets sections requested to be closed; and the reasons for petitioning for closure of the street or road. Other information or documents as the petitioners deem pertinent may be included. Petitions for road closures shall include the names and signatures of at least a simple majority of the owners of property residing along the section(s) of road being petitioned for closure and the signatures of at least ten percent of the owners of property being served by arterial roads and neighborhood collector streets to which traffic would be diverted within a distance of 660 feet from the road section petitioned for closure.

C. Reasons for petitioning the county for the closure of a road shall be limited to safety hazards posed to pedestrians, contiguous real property, and/or traffic such as, but not limited to, traffic speeds, volume, or types of vehicle using the road or street, the adequacy of road signage, and road design considerations.

D. Petitioners shall submit whatever quantitative or other analyses they may possess in support of their petition, such as traffic volumes or counts, or numbers of accidents which have occurred on the road or street petitioned to be closed.

E. The director may consider a request for road closure which is not in conformance with the petition provisions of this chapter from any person. The decision of the director on such a request shall not be subject to the provisions of K.C.C. 14.38.030. (Ord. 12370 § 2, 1996: Ord. 10962 §§ 2, 5, 1993).

14.38.030 Determination. A. The director, department of transportation, shall do the following upon the receipt of a petition for road closure:

1. Acknowledge in writing within ten calendar days the receipt of the petition.
2. Refer the petition to the county road engineer for investigation, determination, and for the making of a recommendation on road closure to the director.

B. The county road engineer's recommendation shall be submitted to the director in writing no later than sixty days after the receipt of the petition.

C. The director shall notify the petitioners in writing of his recommendation within ten days of the receipt of the county road engineer's recommendation on the road closure petition. Said notification shall delineate the process for council consideration of the director’s recommendation on a petition to close a county road.

D. The director may oppose the petition for road closure or may determine that the portion of the road specified in the petition should be fully closed, closed to through traffic only, open to emergency vehicles only, closed in one direction only, closed to certain types of vehicles or temporarily closed in one of the ways specified.

E. In addition to making a determination on the merits of the road closure petition, the director may also identify safety measures for the area defined by the road closure petition as an alternative to road closure and may implement those road safety-related mitigations.

F. The recommendation of the director to close a county road shall be forwarded to the council for consideration and adoption by ordinance.

G. The recommendation of the director to reject a petition to close a county road shall be conveyed by letter to the council which reserves the option, following such notification, of closing all or a portion of the road that is the subject of the petition. (Ord. 12370 § 3, 1996: Ord. 10962 §§ 3, 4, 1993).

Chapter 14.40
ROAD VACATION[1]

Sections:

14.40.010 Authority. Petitions for the vacation of county roads may be granted by the council in accordance with the provisions of RCW Chapter 36.87 as amended by Chapter 185, Laws of 1969 First Extraordinary Session, except as provided herein, and King County shall receive compensation as provided for in this chapter. (Ord. 6471 § 1, 1983: Ord. 4390 § 1, 1979: Ord. 129 § 1, 1969)

14.40.015 Procedure. A. The zoning and subdivision examiner shall hold public hearings on vacations which have been recommended for approval by the department of public works, and provide a recommendation to the King County council, as prescribed by RCW 36.87.060.

B. In the event the report by the department of public works recommends denial of the vacation petition, the following shall be the operating procedure:

1. Written notification shall be transmitted to the petitioner by the department of public works citing the rationale for the denial and indicating that the denial may be appealed to the zoning and subdivision examiner for hearing and recommendation to the council. A copy of the notice of denial shall be filed with the council clerk's office.

2. The notice of denial shall be final unless the petitioner files a written appeal including a two hundred dollar administrative fee with the council clerk within thirty calendar days of the issuance of the notice of denial. The petitioner's written appeal shall specify the basis for the appeal and any arguments in support of the appeal.

3. Any appeal filed by a petitioner shall be processed by the zoning and subdivision examiner in the same manner as vacations recommended for approval. (Ord. 10691 § 1, 1992: Ord. 6471 § 2, 1983: Ord. 4390 § 1, 1979: Ord. 129 § 1, 1969).

[1] **[For statutory provisions regarding county vacation of roads, see chapter 36.87 RCW.]**

14.40.017 Referral to zoning and subdivision examiner. Road vacation petitions, recommendations, and appeals that have not been introduced by the King County council for review and action as of the effective date of this section, (January 9, 1993), shall be subject to the hearing process before the zoning and subdivision examiner. Road vacations or appeals of denials which have been introduced as ordinances by the council as of the effective date of this section (January 9, 1993) may be referred to the zoning and subdivision examiner for recommendation by motion of the council. (Ord. 10691 § 6, 1992).

14.40.020 Amount. The amount of compensation, if required in this chapter, shall be recommended by the zoning and subdivision examiner and shall be determined by the council according to the following criteria:

A. Vacation of all county roads included in Classes A, B, and C, if granted, shall require compensation at the full appraised value of the vacated road for Class A vacations; at 75% of the full appraised value for Class B vacations; and at 50% of full appraised value for class C vacations as of the effective date of the vacation, which amount, for the purposes of this chapter, may be determined from the records of the department of assessments;

Provided, that the zoning and subdivision examiner may propose and the council shall have the authority to accept real property of equal or greater value in lieu of cash compensation. The council shall have the authority to waive some or all of the compensation, except two hundred dollars administrative costs for processing the vacation of a county road, where the petitioner is providing an alternative road to the county of equal or greater value and said alternative will fulfill the public purposes of the previous transportation circulation plan.

B. Vacation of all county roads included in Class D, or those roads vacated by operation of law under the laws of 1889-1890 and affirmed by council action, if granted, shall require a two hundred dollar fee as compensation for the administrative costs of the vacation.

C. In the recommendation to the council pursuant to K.C.C. 20.24.070, the zoning and subdivision examiner may recommend the acceptance of real property of equal or greater value in lieu of cash compensation, or may recommend the waiver of some or all of the compensation required by this section.

D. When a road is vacated for a governmental agency, compensation shall be in accordance with the classification of the road, except that some or all of the compensation may be waived at the discretion of the council.

E. The council may waive some or all of the compensation for any classification of road, if it determines that it would benefit King County to do so. (Ord. 10691 § 2, 1992: Ord. 9164 § 1, 1989: Ord. 7013 § 1, 1984: Ord. 3088 § 1, 1977: Ord. 2759 § 2, 1976).

14.40.030 Condition precedent. The compensation determined to be paid shall be a condition precedent to the vacation of any county road and shall be paid to King County by petitioner within ninety days of receipt of the request for compensation prepared in accordance with K.C.C. 14.40.020. In the event of failure of the petitioner to pay such sum within ninety days, the petition for vacation shall be denied except that if a road proposed for vacation is bordered by more than one parcel of property and if the owners of some, but not all, of those parcels want to have those portions abutting their properties vacated and are willing to pay their prorated share of the required compensation, the department of public works may so modify the vacation request. (Ord. 10691 § 5, 1992: Ord. 9164 § 2, 1989: Ord. 2759 § 3, 1976: Ord. 129 § 3, 1969).

14.40.040 Deposit. Each petition for vacation of a road shall be accompanied by a cash deposit in an amount to be determined by the director of the department of public works, which will be used to defray examination, report, publication, investigative and other costs connected with the application. Such deposit shall not be returned to the petitioner. When deemed necessary by the county executive, he may require an additional deposit to cover appraisal costs. (Ord. 12020 § 46, 1995: Ord. 434 § 1, 1970: Ord. 129 § 4, 1969).

14.40.050 Manner of payment. Payment shall be made to the King County treasurer and shall be credited to the county road fund in the case of Class A and B vacations and in all other cases shall be credited to Fund 316 and earmarked for the acquisition of open space. (Ord. 9164 § 3, 1989: Ord. 129 § 5, 1969).

14.40.060 Road classification. For the purposes of this chapter, all roads within King County are declared to be within one of four classes:

A. A Class. All King County roads or other real property interests conveyed to or held by King County for road purposes for which public funds have been expended in the acquisition of said road or property interests are classified A-class roads.

B. B Class. All King County roads or other real property interests conveyed to or held by King County for road purposes acquired at no monetary cost to the county and for which expenditures of funds have been made in the improvement or maintenance of same are classified B-class roads.

C. C Class. All King County roads or other real property interests conveyed to or held by King County for road purposes for which no public funds have been expended in the acquisition, improvement or maintenance of same, excluding roads subject to vacation as a matter of law, are classified C-class roads.

D. D Class. All King County roads or other real property interests originally conveyed to King County by the present petitioner for the vacation of said road or property interests for which no public expenditures have been made in the acquisition, improvement or maintenance of same, or any other road not included within classes A, B or C are classified D-class roads. (Ord. 2759 § 1, 1976).

Chapter 14.42
KING COUNTY ROAD STANDARDS

Sections:

14.42.010 Adoption. A. "King County Road Standards," 1993 update, as amended by the council December 20, 1993, incorporated herein as Attachment A* with amended Sections 2.03, 2.20, 2.21, 3.02, 5.03 and 5.10 as Attachment B* are hereby approved and adopted as the King County standards for road design and construction.

B. Consistent with council's direction and intent in adopting these standards the department of public works is hereby authorized to develop public rules and make minor changes to the drawings in order to better implement the standards and as needed to stay current with changing design and construction technology and methods.

C. Consistent with council's direction and intent in adopting these standards the department of public works will establish a committee consisting of county staff and representatives of the fire and emergency medical service and development communities. The committee will investigate alternative roadway widths and other road standard related issues that impact the ability to provide emergency fire and medical service to the public and report findings back to council by September 1994. (Ord. 11187 § 1, 1993).

14.42.020 Terms. A. "Standards" means King County Road Standards.

B. "Engineer" means King County road engineer, having authorities specified in RCW 36.75.050 and 36.80, or his authorized representatives. (Ord. 8041 § 3, 1987).

14.42.030 Applicability. A. The standards may apply to all newly constructed modifications of roadway features or existing facilities which are within the scope of reconstructions or capital improvement projects when so required by King County or to the extent they are expressly referred to in project plans and specifications. These standards are not intended to apply to "resurfacing, restoration, and rehabilitation" projects as those terms are defined in the Local Agency Guidelines, Washington State Department of Transportation, as amended; however, the engineer may in his discretion consider the standards as optional goals.

B. The standards shall apply to every new placement and every planned, nonemergency replacement of existing utility poles and other utility structures within the King County right-of-way. (Ord. 11187 § 2, 1993: Ord. 8041 § 4, 1987).

***Available in the office of the clerk of the council.**

14.42.040 Developments. Any land development which is required by operation of any county ordinance or adopted standard to improve roads within, abutting, or serving the development shall do so in accordance with these standards. (Ord. 8041 § 5, 1987).

14.42.050 References. The standards implement and are intended to be consistent with the references listed in Section 1.04 of Attachment A, "King County Road Standards, 1993."* (Ord. 11187 § 3, 1993: Ord. 8041 § 6, 1987).

14.42.060 Variances. Variances from these standards may be granted by the engineer upon evidence that such variances are in the public interest, and that requirements for safety, function, fire protection, appearance, and maintainability based upon sound engineering judgment are fully met. Detailed procedures for requesting variances are contained in administrative rules available from the county road engineer. Variances must be approved prior to construction. Any variances from these standards which do not meet the Uniform Fire Code will require concurrence by the King County fire marshal. (Ord. 8041 § 7, 1987).

14.42.062 Appeals from decisions on variances. Appeals from decisions on variances made by the road engineer pursuant to K.C.C. 14.42.060, may be appealed according to the procedures set forth in K.C.C. 20.24. (Ord. 8804 § 3, 1989).

14.42.070 Penalties. Failure to comply with these standards may result in denial of plan or development permit approval, revocation of prior approvals, legal action for forfeiture of financial guarantee, code enforcement, and/or other penalties as provided by law. (Ord. 12020 § 47, 1995: Ord. 8041 § 8, 1987).

14.42.080 Severability. If any part of these standards as established by ordinance shall be found invalid, all other parts shall remain in effect. (Ord. 8041 § 9, 1987).

14.42.090 Effective Date. This ordinance shall take effect 30 days from its enactment (January 29, 1994). (Ord. 11187 § 4, 1993).

Chapter 14.44
UTILITIES ON COUNTY RIGHTS-OF-WAY

Sections:

***Available in the office of the clerk of the council.**

14.44.010 Purpose. The purpose of this chapter is to regulate the granting of right-of-way construction permits and to insure that utility construction work undertaken pursuant to such permits is consistent with the applicant's right-of-way franchise from the county, the applicable district comprehensive plan, the sensitive areas code, the county comprehensive plan, sound engineering and design standards, health and sanitation regulations, and county standards for water mains and fire hydrants. (Ord. 9614 § 107, 1990: Ord. 1711 § 1, 1973).

14.44.020 Construction permit - Required. All construction work performed by franchised utilities, telephone and telegraph companies and within King County right-of-way shall require a right-of-way construction permit to be issued by the property services division of the department of construction and facility management; provided, that construction work undertaken by King County or under contract to King County or requested by King County due to new construction shall be exempted from this requirement. Construction work shall include the construction and maintenance of waterlines, gas pipes, sewer lines, petroleum pipelines, telephone, telegraph and electric lines, cable TV and petroleum products and any other such public and private utilities.

B. The department of transportation and all other county departments during the construction of capital improvement projects shall install vacant conduit reserved for the future installation of fiber optic cable in accordance with the county's I-Net and Wide Area Network Plans; all capital improvement projects not requiring trenching or modification to the subgrade, such as overlays and shoulder widening, shall be exempted from this requirement. (Ord. 12486 § 1, 1996: Ord. 5275 § 1, 1981: Ord. 1711 § 2, 1973).

14.44.030 Construction permit - Application - Generally. Applications for all right-of-way construction permits shall be submitted, in writing, to the real property division*. The application shall contain whatever information, including plans and specifications, which the real property division* shall require. (Ord. 5275 § 2, 1981: Ord. 1711 § 3, 1973).

14.44.040 Construction permit - application - fees. Effective January 1, 1999, each application requires a fee payable to the property services division* for the administrative costs and expenses of processing the application.

*[Editor's note: Ord. 10553, 1992, renamed and transferred the powers, duties and functions to the property services division.]

1. Pole Lines:	
Power, telephone, etc. (every six poles or portion thereof).	$40.00
2. Water:	
Installing mains (1000 lin. ft. or less)	40.00
Additional 1000 lin. ft. or fraction thereof	35.00
Excavation for connection	40.00
3. Sewer:	
Installation of mains (1000 ft. or fraction thereof)	40.00
Additional 1000 lin. ft. or fraction thereof	35.00
Excavation for connection	40.00
4. Cable or Conduit:	
Installing cable or conduit (1000 ft. or less)	40.00
Additional 1000 lin. ft. or fraction thereof	35.00
Excavation in street for connection	40.00
5. Gas or Oil:	
Installing mains (1000 lin. ft. or less)	40.00
Additional 1000 ft. or fraction thereof	35.00
Excavation for connection	40.00
6. Attachment to existing poles for every three attachments	25.00
7. Immediate Response Permit Requests:	
In addition to the required permit fees an additional fee of twenty dollars shall be charged.	

(Ord. 13327 § 2, 1998: Ord. 10172 § 1, 1991: Ord. 7025 § 2, 1984: Ord. 7021 § 1, 1984: Ord. 5275 § 3, 1981: Ord. 1711 § 4, 1973).

14.44.045 Inspection fee. A. Effective January 1, 1999, the permittee is required to pay an inspection fee at the rate of one hundred two dollars per hour of utility inspection to the department of transportation, road services division. The fees are in addition to any other county fees and are nonrefundable.

B. The fees shall be collected in accordance with administrative procedures developed by the department of transportation, road services division. (Ord. 13329 § 2, 1998: Ord. 11583, 1994: Ord. 11139 § 1, 1993: Ord. 10650 § 1, 1992: Ord. 10176 § 1, 1991: Ord. 9718, 1990: Ord. 9450, 1990: Ord. 8748, 1988: Ord. 7025 § 3, 1984).

14.44.050 Construction permit - application - review. A. The property services division* shall coordinate the review by all departments of right-of-way construction permit applications and shall determine whether the proposed construction is consistent with the applicant's right-of-way franchise from the county.

B. The department of transportation shall review and evaluate applications in respect to the hazard and risk of the proposed construction, location of the proposed construction in relation to other utilities in the right-of-way and the adequacy of the engineering and design of the proposed construction.

C. The water and land resources division shall review and evaluate all applications for right-of-way construction permits for sewer and water main extensions to determine whether the proposed construction is consistent with the sewer or water comprehensive plan approved by the county council pursuant to K.C.C. chapter 13.24. If the facility is not consistent with an approved comprehensive plan, then the construction permit shall not be issued. Applications for those water utilities with Group A non-expanding public water systems that are not required to prepare comprehensive plans for approval by the county council pursuant to K.C.C. 13.24.010 shall be approved if all other conditions of this chapter are met. (Ord. 13625 § 15, 1999: Ord. 5275 § 4, 1981: Ord. 4273 § 1, 1979: Ord. 1711 § 5, 1973).

* **[Editor's note: Ord. 10553, 1992, renamed and transferred the powers, duties and functions to the property services division.]**

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14.44.055 Emergency construction permits - Unfranchised utilities. A. The property services division may issue right-of-way construction permits to unfranchised utilities under the following circumstances:

1. When the Seattle-King County department of public health has determined that the proposed work is necessary to address a public health hazard; or

2. When the roads division, department of public works has determined that the proposed work is necessary to address actual or imminent damage to county right-of-way or to address hazards to users of county right-of-way.

B. No right-of-way construction permit for sewer or water facility construction shall be issued unless the property services division receives a determination from the chair of the utilities technical review committee that the proposed work is consistent with the King County Comprehensive Plan codified in K.C.C. Title 20 and with K.C.C. 13.24.132, 13.24.134, 13.24.138 and 13.24.140.

C. The permit applicant shall be required to meet all conditions of this chapter, except K.C.C. 14.44.050A and C. (Ord. 11790 § 1, 1995).

14.44.060 Policy on accommodation of utilities. Adoption. A. "King County Regulations for Accommodation of Utilities on County Road Rights-of-Way 1997" is hereby approved and adopted as the King County policy for utility installation and maintenance operations within King County road rights-of-way. (Ord. 13015 § 1, 1998).

14.44.070 Coordination of right-of-way construction. A. The applicant, at the time of submitting an application for a right-of-way construction permit, shall notify all other public and private utility entities known to be using or proposing to use the same right-of-way of the applicant's proposed construction and the proposed timing of such construction. Any such entity notified may, within seven days of such notification, request a delay in the commencement of such proposed construction for the purpose of coordinating other right-of-way construction with that proposed by the applicant.

B. The property services division shall also coordinate the approval of right-of-way construction permits with county street improvements and maintenance and may delay the commencement date for the applicant's right-of-way construction for ninety days or less, except in the case of emergencies, if it finds that such delay will reduce the inconvenience to county road users from construction activities, if it finds that such delay will not create undue economic hardship on the applicant, or if it finds that such delay will allow the county to install conduit for future installation of fiber optic cable.

C. The property services division shall inform the department of transportation of all right-of-way construction permits issued.

D. The property services division shall forward copies of all right-of-way construction permit applications for projects 1,000 feet or longer to the department of information and administrative services. The division of information technology services will determine within 15 working days whether the installation of conduit may be needed for the future installation of fiber optic cable to connect county or other public facilities. (Ord. 12486 § 2, 1996: Ord. 5275 § 5, 1981: Ord. 1711 § 7, 1973).

14.44.080 Performance guarantee required. Prior to final approval of all right-of-way construction permits, the department of public works shall determine the amount of the performance guarantee necessary to assure compliance with the approved construction plans, applicable state and local health and sanitation regulations, county standards for water mains and fire hydrants and to assure proper restoration of the road and the health and safety of the users of the road. The applicant shall submit the financial guarantee consistent with the provisions of Title 27A. (Ord. 12020 § 48, 1995: Ord. 1711 § 8, 1973).

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* **[Editor's note: Ord. 10553, 1992, renamed and transferred the powers, duties and functions to the property services division.]**

14.44.090 Construction permit - Form. The right-of-way construction permit granted shall be in a form approved by and be made subject to all reasonable and necessary terms and conditions imposed by the department of public works. (Ord. 1711 § 9, 1973).

14.44.100 Notification by permittee of construction commenced. The permittee is required to give oral or written notice of the date construction will begin to the following agencies: department of public works for all right-of-way construction; Seattle-King County department of public health for construction of waterworks (except for domestic service connections); King County fire marshal for waterworks. Failure to give such notice is grounds for the revocation or suspension of the construction permit. (Ord. 1711 § 10, 1973).

14.44.110 Enforcement. The director of the department of public works and the director of the Seattle-King County department of public health are authorized to enforce the provisions of this chapter, the ordinances codified in it, and any rules and regulations adopted hereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23. (Ord. 2910 § 5, 1976: Ord. 1711 (part), 1973).

14.44.120 Severability. If any provision of this chapter or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 1711 § 13, 1973).

Chapter 14.45
WIRELESS MINOR COMMUNICATION FACILITIES WITHIN COUNTY RIGHTS-OF-WAY

Sections:

14.45.010 Purpose. The purpose of this chapter is to grant, through right-of-way use agreements, authority for the placement of minor communication facilities within the county rights-of-way, and to establish standards for right-of-way use agreements which:

A. Compensate the county for the value of the use of the county right-of-way by wireless telecommunications providers; and

B. Reimburse the county for ongoing costs associated with those uses of the county right-of-way; and

C. Encourage competition by establishing consistent terms and conditions under which wireless telecommunications providers may use valuable public property to serve the public; and

D. Fully protect the public and the county from any harm that may flow from such private use of county right-of-way; and

E. Protect and carry out the authority of the county over activities in the county right-of-way, while recovering costs; and

(King County 3-2000)

F. Allow the county to exercise its stewardship responsibilities with regard to county right-of-way in a manner consistent with all applicable county policies and codes, including but not limited to the zoning code, the county comprehensive plan, county road standards; and

G. Otherwise protect the public interests in the development and use of the county right-of-way infrastructure and in preserving and improving the aesthetics of the community. (Ord. 13734 § 3, 2000).

14.45.020 Definitions. The following terms shall be applicable to this chapter:

A. "Right-of-way" is land, property or property interest, such as an easement, usually in a strip, as well as bridges, trestles, or other structures, dedicated to, or otherwise acquired by the county for public motor vehicle transportation purposes, including, but not limited to, roads, streets, avenues, and alleys, whether or not opened, improved or maintained for public motor vehicle transportation purposes.

B. "Right-of-way use agreement" is an agreement between the county and a wireless telecommunications provider through which is granted a site-specific and revocable privilege to use county right-of-way at a location identified in the agreement for wireless telecommunications facilities, and through which are set forth the terms and conditions for exercising the granted privilege to use the county right-of-way.

C. "Wireless telecommunications facility" is the capital, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, pedestals, and electronic equipment within the right-of-way used for the purpose of transmitting, receiving, distributing, providing, or offering wireless telecommunications.

D. "Wireless telecommunications provider" is every person that owns, controls, operates or manages a wireless minor telecommunication facility within the county right-of-way for the purpose of offering wireless telecommunication services (i.e. transmission for hire of information in electronic or optical form, including, but not limited to, voice, video, or data).

E. "Wireless" means transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, microwave, or satellite. (Ord. 13734 § 4, 2000).

14.45.030 Exemptions. The following wireless minor telecommunication facilities are not subject to the provisions of this chapter:

A. Facilities located or constructed by King County or under contract to King County; and

B. Facilities for wireless telecommunication service providers that have current franchise agreements pursuant to K.C.C. chapter 6.27A. (Ord. 13734 § 5, 2000).

14.45.040 Grant of authority - right-of-way use agreement required. Wireless minor communication facilities shall only be located or constructed within King County rights-of-way after a right-of-way use agreement is issued by the property services division of the department of construction and facility management. Prior to issuing the agreement, the division shall ensure that the proposed facility is located, designed and proposed to be constructed in a manner that complies with all applicable county policies and codes, including but not limited to the provisions of Ordinance 13734, zoning code, the county comprehensive plan, county road standards, and the Regulation for Accommodations of Utilities on county Roads Right-of-Way adopted by K.C.C. 14.44.060. Furthermore, the right-of-way use agreement shall only allow placement of wireless telecommunication facilities on improved and maintained county road rights-of-way. (Ord. 13734 § 6, 2000).

14.45.050 Grant of authority - effective period. The right-of-way use agreement constitutes authorization for the applicant to use the county right-of-way at the location specified in the agreement for no more than ten years. Failure to comply with the terms and conditions of the right-of-way agreement, including payment of required annual compensation, is cause for revoking of the use agreement. The agreement holder shall remove facilities authorized the agreement from the county right-of-way upon expiration of the agreement, unless renewed, or upon revocation of the agreement for cause. (Ord. 13734 § 7, 2000).

14.45.060 Application - contents. A. The property services division shall not commence review of any application set forth in this chapter until the applicant has submitted the following:

1. An application form provided by the property services division and completed by the applicant;
2. The name of the applicant and a designated contact person;
3. Plans and specifications for any structures, antenna or other equipment to be placed in the right-of-way or , if applicable, on abutting private property;
4. A vicinity map showing the specific location of right-of-way subject to the application;
5. When structures and equipment are to be located on abutting properties:
   a. a site plan illustrating the relationship to property lines and other structures on the site,
   b. legal description of the site abutting property, and
   c. proof that the abutting property is a legally recognized lot pursuant to K.C.C. Title 19A;
6. A sensitive areas affidavit if required by K.C.C. chapter 21A.24;
7. A completed environmental checklist, if required by K.C.C. chapter 20.44; and
8. Payment of any review fees established by Ordinance 13734;

B. The applicant shall attest by written oath to the accuracy of all information submitted for an application. (Ord. 13734 § 8, 2000).

14.45.070 Application review. The property services division, roads services division of the department of transportation and the department of development and environmental services shall coordinate review and inspection of the application for a right-of-way use agreement and, to the extent required, any zoning approvals, building permits and environmental review under the state Environmental Policy Act, as follows:

A. The property services division shall coordinate the review by all departments of right-of-way use agreement applications.

B. The roads services division shall review and evaluate applications with respect to the hazard and risk of the proposed construction and location of the proposed construction in relation to other utilities in the right-of-way.

C. The department of development and environmental services shall review and evaluate all applications to determine consistency with respect to the standards and requirements of K.C.C. chapter 21A.26 and Ordinance 13734. The department shall also be the lead agency for purposes of any environmental review required under K.C.C. 20.44. (Ord. 13734 § 9, 2000).

14.45.080 Application review and inspection fees. The following fees shall be required for the administrative costs and expenses of processing and inspecting a right-of-way use agreement application.

Review Agency	**Fee**
Property services division (application processing)	$100
Department of development and environmental services (zoning review)	as provided in K.C.C. 27.10.120
Road services division (inspection)	$125 per hour

(Ord. 13734 § 10, 2000).

14.45.090 Annual compensation for use of right-of-way.

A. In consideration for continuing use of the county rights-of-way, an agreement holder shall commit to provide an annual use payment The amount of the use payment shall be as follows:

Type of Equipment/Facility within the right-of-way	Use Payment
Separate support structure (such as a monopole or lattice) used solely for wireless antenna, with antenna/receiver transmitter and/or equipment cabinet	$5,000
Antenna/receiver transmitter (on an existing or replacement pole) and equipment cabinet	$3,000
Antenna/receiver transmitter (on an existing or replacement pole) or equipment cabinet, but not both	$2,000

B. For the purpose of this section, "replacement pole" means a new utility pole replacing an existing utility pole in the county right-of-way with no increase in the total number of utility poles in the right-of-way. Replacement poles provide extra capacity to support attached wireless telecommunications facilities.

C. Use payments shall be paid to the property services division and are due upon the signing of the agreement, prorated to the end of the year, and the first of January every year thereafter.

D. All use payments prescribed by subsection A shall be automatically escalated annually, beginning January 1, 2001 and every year thereafter, for the change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers ("CPI-U") for the Seattle-Tacoma-Bremerton Statistical Metropolitan Area for the preceding calendar year. In the event the CPI-U (or a successor or substitute index) is no longer published, a reliable government or other non-partisan index of inflation selected by the county shall be used to calculate the adjusted amounts. (Ord. 13734 § 11, 2000).

14.45.100 Insurance requirements. A. For any right-of-way use agreement, the agreement holder must carry commercial general liability, automobile liability and stop gap or employers liability coverage, each in minimum limits of not less than one million dollars ($1,000,000), in an amount approved by the King County office of risk management. All policies must name King County as an additional named insured.

B. All policies shall be placed with insurers having a Bests' rating of no less than A:VIII or, if not rated by Bests, with surpluses equivalent to or greater than Bests' A:VIII rating. The agreement holder shall send copies of certificates, endorsements or other adequate evidence of compliance with this section to the office so designated in the application prior to the county's execution of the agreement. (Ord. 13734 § 12, 2000).

14.45.110 Liquidated damages. All right-of-way use agreements may provide for liquidated damages to compensate the county for harm caused by violation of an agreement or this chapter, or any applicable law in an amount which is a reasonable forecast of just compensation for the harm caused by the violation. (Ord. 13734 § 13, 2000).

14.45.120 Liability and indemnification. A. All right-of-way use agreements shall contain the following provision: the holder of agreement shall have no recourse whatsoever against the county or its officials, boards, commissions, agents, or employees for any loss, costs, expenses, or damages arising out of any provision or requirement of the agreement, or Ordinance 13734 because of the enforcement of the agreement, or Ordinance 13734 except if such loss, costs, expenses or damages are the result of the sole negligence or misconduct on the part of the county or its agents.

B. All right-of-way use agreements shall contain the following provision: to the extent permitted by law, the holder of the agreement shall, at its sole cost and expense, indemnify, hold harmless, and defend the county and its officers, boards, commissions, agents and employees, against any and all claims, including but not limited to third -party claims, suits, causes of action, proceedings and judgments for

damages or equitable relief arising out of the construction, repair, maintenance or operation of its wireless telecommunication facilities, or in any way arising out of the agreement holder's enjoyment or exercise of the right-of-way use agreement granted pursuant, or otherwise subject, to Ordinance 13734, regardless of whether the act or omission complained of is authorized, allowed or prohibited by Ordinance 13734 or an agreement. This provision includes, but is not limited to expenses for reasonable legal fees and for disbursements and liabilities assumed by the county as follows:

1. To persons or property, in any way arising out of or through the acts or omissions of the agreement, its officers, employees, or agents or to which the agreement holder's negligence shall in any way contribute;

2. Arising out of a agreement holder's failure to comply with the provisions of any federal, state or local statute, ordinance, rule, or regulation applicable to the agreement holder.

C. The county shall give the agreement holder timely written notice of the making of any claim or the commencement of any action, suit or other proceeding covered by ordinance 13734. In the event any such claim arises, the county or any other indemnified party shall tender the defense thereof to the permit and the agreement holder shall have the right to defend, settle, or compromise any claims arising hereunder and the county shall cooperate fully therein. (Ord. 13734 § 14, 2000).

14.45.130 Antenna and equipment cabinets/buildings abutting residential zones. Antenna and equipment cabinets/buildings abutting zoned UR, RA or R shall be subject to the following:

A. Antennas shall not extend horizontally more than three feet from any pole to which it is mounted. This provision shall be reviewed one year after March 16, 2000, to evaluate aesthetic benefits upon residential neighborhoods and to determine the effects upon the ability of wireless service providers to reasonably and efficiently place facilities within the right-of-way. In order to facilitate this review, wireless service providers shall provide photographs documenting antennas located on all current facilities that are subject to right-of-way use agreements.

B. Electronic equipment cabinets or buildings shall be constructed underground when there is an existing residential dwelling unit within three hundred feet, unless the required excavation will occur within the required buffers of sensitive areas, such as wetlands, streams and steep slopes, thus posing greater potential for environmental degradation of the sensitive area. (Ord. 13734 § 15, 2000).

Chapter 14.46
PUBLIC AND PRIVATE UTILITIES ON KING COUNTY REAL PROPERTY

Sections:

(King County 3-2000)

14.46.010 Purpose. The purpose of this chapter shall be to authorize and regulate the issuance of permits for the accommodation of public and private utility facilities, and other uses upon King County owned real property which is not dedicated as right-of-way and to insure that privileges authorized by the permits are consistent with public ownership of the property, the county comprehensive plan, the sensitive areas code, sound engineering and design standards, and health and sanitation regulations. (Ord. 9614 § 108, 1990: Ord. 4099 § 1, 1979).

14.46.020 Permit - Required - Exceptions. All utility construction work and other uses performed upon, along, over, under or across any public place in King County shall require a permit to be issued by the real property division of the department of executive administration; provided, that construction work undertaken by King County or under contract to King County or requested by King County due to new construction shall be exempted from this requirement. Utility construction work includes, but is not limited to, construction and maintenance of waterworks, gas pipes, telephone, telegraph and electric lines, sewers, cable television and petroleum products and any other such public and private utilities. (Ord. 4099 § 2, 1979).

14.46.030 Permit - Issuance authority - Use. The department of executive administration, real property division* is authorized to issue revocable permits for all utility construction work and installation, and other uses upon, along, over, under or across any public place in King County. The permits shall be used to authorize an act or series of acts on King County owned real property which is not dedicated as right-of-way. (Ord. 4099 § 3, 1979).

14.46.040 Permit - Privilege limitations. The permits shall not be construed to convey any vested right in the property. The permits grant only a personal and revocable privilege and license to do one or more acts on the property without possessing any interest in the property. (Ord. 4099 § 4, 1979).

14.46.050 Permit - Compliance with applicable provisions. The issuance of permits authorized in this chapter does not relieve or release the permittee from complying with other applicable statutes, ordinances, restrictions, regulations, rules or obligations in connection with the permittee's proposed use of the property. (Ord. 4099 § 5, 1979).

14.46.060 Permit - Terms and conditions. The permits shall be subject to all terms, conditions and restrictions, imposed by the department responsible for the management of the property to be affected, deemed necessary to preserve all characteristics consistent with public ownership; consequently, the general and specific terms, conditions and restrictions of the permits will vary according to, but not limited to, the following:

A. The property interest owned by King County;
B. All federal, state or local restrictions placed on the use of the property;
C. The purpose for acquiring the property;
D. Plans for the future development of the property;
E. The applicant's proposed use of the property; and
F. The individual characteristics of the property. (Ord. 4099 § 6, 1979).

14.46.070 Permit - Application - Required information. Applications for all permits shall be submitted, in writing, to the real property division. The application shall contain whatever information, including plans and specifications, the real property division* shall require. (Ord. 4099 § 7, 1979).

14.46.080 Permit - application and inspection fee. A. Effective January 1, 1999, each application requires a seventy-five dollar fee payable to the property services division for the administrative costs and expenses of processing the application.

B. In addition, the permittee is required to pay an inspection fee to the department responsible for the management of the property to be affected based on the time spent on the job by inspectors during or after construction. (Ord. 13327 § 8, 1998: Ord. 7020 § 1, 1984: Ord. 4099 § 8, 1979).

14.46.090 Review and certification by agencies. A. The property services division shall coordinate the review by all departments of permit applications.

B. The department responsible for the management of the property to be affected shall review and evaluate applications with respect to the hazard and risk of the proposed construction or use; location of the proposed construction or use in relation to other facilities using the property; the adequacy of the engineering and design of the proposed construction or use; and applicable federal, state, county and local laws and regulations.

C. The Seattle-King County department of public health shall review and evaluate applications for the construction of waterworks (except for domestic service connections) to determine consistency with state and local health and sanitation regulations.

D. The King County fire marshal shall review and evaluate applications for the construction of waterworks to determine consistency with county standards for water mains and fire hydrants.

E. All applications for the construction of sewer or water facilities must be certified by the department of development and environmental services as consistent with a sewer or water comprehensive plan approved by the county council pursuant to K.C.C. Chapter 13.24.

F. In any case, the property services division shall forward the application to the department for recommendations on sensitive area issues and the property services division shall be responsible for assuring that any application meets the requirements of the sensitive areas code set out in K.C.C. Chapter 21A.24 and the administrative rules promulgated thereunder before the permit is issued. (Ord. 11792 § 12, 1995: Ord. 9614 § 109, 1990: Ord. 4099 § 9, 1979).

14.46.100 Financial guarantee requirements. Prior to final approval of all permits, the department responsible for the management of the property to be affected shall determine the amount of the performance guarantee necessary to assure compliance with approved construction plans, applicable state and local health and sanitation regulations, county standards for water mains and fire hydrants, and to assure proper restoration of the property and the health and safety of the users of the property. The applicant shall submit the financial guarantee consistent with the provisions of Title 27A. (Ord. 12020 § 49, 1995: Ord. 4099 § 10, 1979).

14.46.110 Notice of proposed use and commencement - Departmental coordination of permit approval. A. The applicant, at the time of submitting an application for a permit, shall notify all public and private utility entities known to be using or proposing to use the same public place of the applicant's proposed use and the proposed timing of any construction. Any such entity notified may, within seven days of such notification, request a delay in the commencement of any proposed construction for the purpose of coordinating other construction work on the property with that proposed by the applicant. The real property division* may delay the commencement date for the applicant's construction work on the property for ninety days or less if it finds that such delay will reduce the inconvenience to the public from construction activities, and it finds that such delay will not create undue economic hardship on the applicant.

B. The real property division* shall also coordinate the approval of permits with the department responsible for the management of the property to be affected and may delay the commencement date for the applicant's construction work for ninety days or less upon making the findings described in subsection A. of this section.

C. The real property division* shall inform the Seattle-King County department of public health of permits for construction of waterworks (except domestic service connections), and the King County fire marshal of permits for waterworks. (Ord. 4099 § 11, 1979).

14.46.120 Notice to agencies of construction date. The permittee is required to give written notice of the date construction will begin to the following agencies: The department responsible for the management of the property to be affected; Seattle-King County department of public health for construction of waterworks (except for domestic service connections); King County fire marshal for construction of waterworks. Failure to give such notice is grounds for the revocation or suspension of the permit. (Ord. 4099 § 12, 1979).

14.46.130 Permit revocation. Any permit issued by the authority of this chapter shall be revocable at any time that the department responsible for the management of the property affected shall determine that the public health, safety, general welfare, or public use requires such revocation, and the right to revoke is expressly reserved to King County. At a reasonable time prior to action upon such revocation or proposed revocation, opportunity shall be afforded to the permittee to present for consideration action or actions alternative to the revocation of such permit. (Ord. 4099 § 13, 1979).

14.46.140 Termination of privileges - Assessment. All privileges granted by the permits shall automatically terminate at such time as the permittee ceases to use the property and any facilities authorized by the permit. The permittee may terminate the agreement by written notice to the manager of the Real Property Division. Upon revocation, termination or abandonment of any permit, the permittee shall remove at his expense all facilities placed on such property by the permittee and restore the premises to a condition which is equivalent in all respects to the condition existing prior to installation of the facilities or to a condition which is satisfactory to the county. If the permittee has not accomplished removal and restoration at the end of a ninety-day period following the effective date of revocation, termination or abandonment, the county may accomplish all of the necessary work and charge all of the costs to the permittee. (Ord. 4099 § 14, 1979).

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* **[Editor's note: Ord. 10553, 1992, renamed and transferred the powers, duties and functions to the property services division.]**

14.46.150 Enforcement. In addition to other enforcement powers and not in limitation thereto, the manager of the Real Property division is authorized to enforce the provisions of this chapter, and any rules and regulations adopted thereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23. (Ord. 4099 § 15, 1979).

14.46.160 Rights reserved to county - Conformance and payment of cost required. The county reserves the right to use, occupy and enjoy its property for such purposes as it shall desire including but not limited to, constructing or installing structures and facilities on the property, or developing, improving, repairing or altering the property. The permittee upon written notice will at his own cost and expense, remove, repair, relocate, change or reconstruct such installations to conform with the plans of work contemplated or ordered by the county according to a time schedule contained in the written notice. (Ord. 4099 § 16, 1979).

14.46.170 Rule and regulation promulgation. The manager of the Real Property division may promulgate any rules and regulations necessary for the operation of this chapter. (Ord. 4099 § 17, 1979).

14.46.180 Severability. If any provision of this chapter or its application to any person or circumstances is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 4099 § 18, 1979).

Chapter 14.48
SNOW EMERGENCY ROUTES

Sections:

14.48.010 Designation. Certain arterial highways and school bus routes in King County, to be identified and so designated by the director of public works, are declared snow emergency routes. Such snow emergency routes shall be the first roads and streets to be sanded and/or cleared of snow. (Ord. 1503 § 1, 1973).

14.48.020 Publication. The director of public works shall issue a news bulletin to all newspapers of general circulation serving King County, a listing of all such snow emergency routes. Such listing of snow emergency routes shall be prepared and a news bulletin issued within two weeks of January 29, 1973, and thereafter annually, prior to the second Monday in November. (Ord. 1503 § 2, 1973).

14.48.030 Snow emergency - Declaration authority - News bulletin. The director of public works or his authorized representative is empowered to declare a snow emergency. The director shall establish guidelines for conditions which will warrant the declaring of a snow emergency.

When a snow emergency is declared, the director shall issue an emergency news bulletin to all radio and television stations and newspapers serving King County, and to the director of public safety, so that there may be coordination for the deployment of personnel and equipment. (Ord. 1503 § 3, 1973).

14.48.040 Coordination of snow removal activities with other jurisdictions. The director of public works shall coordinate King County snow removal activities with federal, state, county and local jurisdictions located within or adjacent to King County for the purpose of continuity in clearing snow emergency routes. (Ord. 1503 § 4, 1973).

Chapter 14.52
SIDEWALKS, PLANTING STRIPS AND STREET TREES

Sections:

14.52.010 Definitions. Terms used in this chapter with relation to sidewalks, planting strips and curbs shall have the meanings as set forth in this section:

A. "Curb" means a cement, concrete or asphaltic concrete raised structure designed to delineate the edge of the roadway and to separate the vehicular portion from that provided for pedestrians and to control surface drainage.

B. "Planting strip" means that portion of the right-of-way behind the curb line and between the curb line and the sidewalk or between the sidewalk and the right-of-way line used for the planting of trees, grass, shrubs or ground cover.

C. "Sidewalk" means that property between the curb line and the adjacent property, set aside and intended for the use of pedestrians, improved by paving with cement concrete or asphaltic concrete. (Ord. 3027 § 1, 1976).

14.52.020 Sidewalk - Repair determination - Responsibility and costs. Whenever a portion of any street or road, including any boulevard, avenue, lane or place, is improved by a sidewalk thereon, and the sidewalk shall have become unfit or unsafe for public travel, the department of public works may determine that the repair of that portion of sidewalk is necessary for the public safety and convenience. If the department does so find, the duty, burden and expense of repair shall be the responsibility of the abutting property owner; provided, that the abutting property owner shall not be charged with any costs of repair in excess of twenty-five percent of the valuation of the abutting property, exclusive of improvements. (Ord. 3027 § 2, 1976).

14.52.030 Sidewalk - Notice to repair - Cost assessment. Whenever the department of public works has determined that a portion of a sidewalk has become unfit or unsafe for public travel, the department shall serve a written notice on the owner of the abutting property, instructing the owner to repair the sidewalk in accordance with standard plans and specifications which shall be attached to the notice. The notice may be delivered in person to the owner, to the resident of the property, or by mail to the last known address of the property owner. If the owner is unknown, a copy of the notice shall be posted in a conspicuous place on the portion of the street where the improvements are to be made. The notice shall specify a reasonable time for such construction or reconstruction and shall also state that in the event the project is not completed within the time period specified, the department of public works will proceed to have the improvements completed. Following completion, the department will report to the council an assessment roll showing the lots or parcels abutting the project and the name of the owner(s). Upon expiration of the normal time for hearing protests as specified in RCW 36.88.090, the council shall assess the cost for the improvement against the abutting property owner which shall become a lien against the property if not paid. (Ord. 3027 § 3, 1976).

14.52.040 Planting strip maintenance. Maintenance of planting strips including trees, shrubbery, grass or other ground cover shall be the responsibility of the abutting property owner. Should the director of public works find that such property is not being properly maintained, a notice shall be forwarded as provided in Section 14.52.030, specifying a reasonable time within which such maintenance shall be accomplished. If the owner fails to proceed, the department of public works will have the maintenance performed, and the cost will be assessed against the property owner as provided in Section 14.52.030. (Ord. 3027 § 4, 1976).

14.52.050 Sidewalk - Snow, ice and trash removal required when. It is unlawful for any person, firm or corporation owning real property within the unincorporated area to permit the accumulation of snow, ice, trash or any other matter on an existing sidewalk which impedes the normal flow of pedestrian traffic. In the event the property is owned by a person not a resident of King County, a reasonable period of time shall be provided for the owner or his agent to remove the material. If such removal is not accomplished within a reasonable period of time, the director of public works may have the sidewalk cleaned and the cost thereof shall be a lien on the property. (Ord. 3027 § 5, 1976).

14.52.060 Sidewalk - Violation of K.C.C. 14.52.050 deemed misdemeanor. Each day any sidewalk, or driveway portion thereof, is permitted to remain in a hazardous condition as specified in Section 14.52.050 of this chapter shall be considered and shall constitute a separate violation. Violation of Section 14.52.050 shall constitute a misdemeanor and shall be punished as provided by law. (Ord. 3027 § 6, 1976).

14.52.070 Exemption from K.C.C. 14.52.040 and 14.52.050 permitted when. Residents whose property is substantially higher or lower in elevation than the street who do not have street access from one or more sides of their property may apply for an exemption from the provisions of Sections 14.52.040 and 14.52.050 of this chapter. Exemptions may be granted by the county engineer based upon standards which shall be established by the department. (Ord. 3027 § 7, 1976).

14.52.080 Street trees and plantings - Trimming limitations - Removal prohibited. A. Notwithstanding any provision of franchise agreements, street trees planted within the public right-of-way along roads under the jurisdiction of King County shall not be removed or cut back so as to generally damage the aesthetic quality of the tree. Such trimming, when required by power or telephone companies to safeguard their wires, shall be done in a manner that preserves the general appearance of the tree. The same provisions shall be applicable to others in that trees, shrubs and other plantings shall not be removed or otherwise trimmed so as to damage the general appearance of the planting areas.

B. Judicious trimming is permitted in such areas that will provide proper sight distance for intersections and such traffic warning or regulatory signs that are in place. (Ord. 3027 § 8, 1976).

Chapter 14.56
NON-MOTORIZED VEHICLE PROGRAM

Sections:

14.56.010 Findings and declaration of purpose. Non-motorized transportation, in the form of pedestrian, bicycle and equestrian travel in King County, should be safe. The prevention of accidents is a paramount element in the design and operation of all county transportation facilities as well as in developed and newly developing communities in the county. This policy is consistent with the King County Comprehensive Plan and the plans and programs for county parks and recreation. Therefore, it is the intent of the King County council to seek a coordinated administration of these non-motorized transportation goals and policies through the development of a functional plan which defines service levels, facility standards, funding mechanisms, project engineering, and design and operation to be conducted through a public review process. (Ord. 8421 § 2, 1988).

14.56.020 Program established. There is established a non-motorized vehicle program to meet the following goals and objectives:

A. To identify and document the needs of non-motorized transportation in King County, including bicyclists, equestrians, pedestrians, and special populations;

B. To determine ways that the existing county transportation network can be made more responsive to the needs of non-motorized users;

C. To inform and educate the public on issues relating to non-motorized transportation;

D. To institute the consideration of non-motorized transportation in all related county-funded programs, and to encourage the same consideration on an interlocal and regional basis;

E. To improve non-motorized transport users and motorists compliance with traffic laws; and

F. To guide development of a county functional plan for non-motorized transportation, to implement the adopted policies established in the county comprehensive plan, the county transportation plan, and current programs within county government. (Ord. 8421 § 3, 1988).

14.56.030 Coordinator - duties and responsibilities. There shall be assigned within the department of public works, a coordinator who shall be accountable to the public works director or designee for carrying out the following duties and responsibilities.

A. To coordinate the development and implementation of the non-motorized vehicle program;

B. To provide staff support to the non-motorized advisory committee; to include attending all regular meetings of the advisory committee, consulting with and reporting regularly to said committee on the workings and activities of the non-motorized program;

C. To work with governmental agencies to identify, develop and promote programs that encourage the use of non-motorized modes of transportation;

D. To make recommendations to the director of public works through the non-motorized advisory committee on legislation, policies, programs and funding necessary to carry out the purposes of this chapter. (Ord. 8421 § 3, 1988).

14.56.040 Non-motorized vehicle advisory committee. A. Establishment and composition.

1. There is established a King County non-motorized vehicle advisory committee to be composed of thirteen members, who shall represent the geographic and ethnic diversity of communities in King County. No more than four members shall reside within any one municipal jurisdiction.

2. The committee members shall be appointed by the county executive, subject to confirmation by the county council. Adequate representation from all council districts shall be considered by the executive in making committee appointments. To accomplish this, the executive shall request from councilmembers nominations of residents from their respective districts.

3. Committee members shall represent the bicycling community, the equestrian community, and parties interested in pedestrian facility improvement. Additionally, the executive may appoint members who represent industries, organizations, and outside government agencies who have a knowledge of, and interest in, non-motorized vehicle issues.

4. Once constituted, the committee shall establish terms of appointment by lot. Six members shall serve one year; and seven members shall serve two years. After the initial term, all appointments shall be for two year terms. Committee members may serve two terms or a maximum of five consecutive years. Any vacancies occurring in the membership of the committee during an appointed term shall be filled for the remainder of the unexpired term in the same manner as the original appointments.

B. Duties and responsibilities.

1. The King County non-motorized vehicle advisory committee shall act in an advisory capacity to the director of public works, county executive, county council, and other county agencies in matters related to non-motorized transportation, with a focus on the promotion of non-motorized transportation as a convenient, healthy, and energy-efficient means of transportation.

2. The committee shall examine and define issues pertaining to the provision of safe and convenient non-motorized access to the transportation system of King County, including but not limited to: the design of commercial and industrial areas (including the development of design guidelines for non-motorized facilities in such area); providing safe and convenient non-motorized access to schools, parks, and shopping; the development and implementation of equitable and consistent standards for non-motorized transportation in residential areas.

3. The committee shall also serve to enhance citizen input into the King County planning process, particularly in the development and review of the King County Functional Plan for non-motorized transportation, including gathering data and disseminating information to the public in order to implement the purposes of this chapter.

C. Organization and meetings.

1. The King County non-motorized advisory committee shall elect its officers, including a chair, vice-chair, and such other officers as it may deem necessary. Such officers shall occupy their respective offices for a period of one year.

2. The advisory committee shall hold regular public meetings at least quarterly. Committee meetings shall be open to the public, may encourage participation by non-members on particular issues. (Ord. 8421 § 5, 1988).

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Chapter 14.60
COMMUTE TRIP REDUCTION

Sections:

14.60.010 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

A. "Affected employee" means a full-time employee who begins his or her regular work day at a single work site between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays.

B. "Affected employer" means a public or private employer that, for twelve consecutive months, employs one hundred or more affected employees at a single work site who are scheduled to begin their regular work day between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays. The intent is to include any employer that has one hundred or more full-time employees on site between 6:00 a.m. and 9:00 a.m. (inclusive), even if the individual employees vary over time. Construction work sites are excluded from this definition when the expected duration of the construction is less than two years.

C. "Alternative mode" means any means of commute transportation other than that in which the single-occupant motor vehicle is the dominant mode, including telecommuting and compressed work weeks if they result in reducing commute trips.

D. "Alternative work schedules" mean programs such as compressed work weeks that eliminate work trips for affected employees.

E. "Base year" means the period from January 1, 1992 through December 31, 1992, on which goals for vehicle miles traveled per employee and proportion of single-occupant vehicle trips are based.

F. "Carpool" means a motor vehicle occupied by two to six people traveling together for their commute trip that results in the reduction of at least one motor vehicle commute trip.

G. "Commute trips" mean trips made from a worker's home to a work site for a regularly scheduled work day beginning between 6:00 a.m. and 9:00 a.m. (inclusive) on weekdays.

H. "CTR plan" means the county's commute trip reduction plan, as adopted by Ordinance 10733, to regulate and administer the CTR programs of affected employers within its jurisdiction.

I. "CTR program" means an employer's strategies to reduce affected employees' SOV use and VMT per employee.

J. "CTR zone" means an area, such as a census tract or combination of census tracts, within unincorporated King County characterized by similar employment density, population density, level of transit service, parking availability, access to high occupancy vehicle facilities and other factors that are determined to affect the level of SOV commuting.

K. "Commute Trip Reduction Task Force Guidelines, July 1992" means the guidelines adopted by the state Commute Trip Reduction Task Force as established by RCW 70.94.537.

L. "Compliance" means fully implementing all provisions in an approved CTR program within the deadlines established in this chapter and meeting or exceeding VMT and SOV goals of this chapter.

M. "Compressed work week" means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one work day every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and biweekly arrangements, the most typical being four ten-hour working days or eighty hours in nine working days, but may also include other arrangements. Compressed work weeks are understood to be an ongoing arrangement.

N. "Director" means the director of the department of transportation or his or her authorized designee.

O. "Employee" means anyone who receives financial or other compensation in exchange for work provided to an employer, including owners and partners of the employer.

P. "Employer" means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, nonprofit or private, that employs workers.

Q. "Exemption" means a waiver from CTR program requirements granted to an employer by the county based on unique conditions that apply to the employer or employment site.

R. "Flex-time" is an employer policy allowing individual employees some flexibility in choosing the time, but not the number, of their working hours to facilitate the use of alternative modes.

S. "Full-time employee" means a person other than an independent contractor, scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week.

T. "Good faith effort" means that an employer has met the minimum requirement identified in RCW 70.94.531 and this chapter, and is working collaboratively with the county to continue its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed upon length of time.

U. "Implementation" means active pursuit by an employer of the CTR goals of RCW 70.94.521 through .551 and this chapter as evidenced by appointment of a transportation coordinator, distribution of information to employees regarding alternatives to SOV commuting and commencement of other measures according to their CTR program and schedule.

V. "Mode" means the means of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle and walking.

W. "Peak period" means the hours from 6:00 a.m. to 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

X. "Peak period trip" means any employee trip that delivers the employee to a work site to begin his or her regular workday between 6:00 a.m. and 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

Y. "Proportion of single-occupant vehicle trips" or "SOV rate" means the number of commute trips over a set period made by affected employees in single-occupant vehicles divided by the number of affected employees working during that period.

Z. "Single-occupant vehicle (SOV)" means a motor vehicle occupied by one employee for commute purposes, including a motorcycle.

AA ."Single-occupant vehicle (SOV) trips" means trips made by affected employees in single-occupant vehicles.

BB "Single work site" means a building or group of buildings occupied by one or more major employers which are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way.

CC. "Telecommuting" means the use of telephones, computers or other similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.

DD. "Transit" means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus or vanpool.

EE. "Transportation demand management (TDM)" means a program designed to reduce SOV commute travel during the peak commute traffic period between 6:00 a.m. to 9:00 a.m. (inclusive), Monday through Friday.

FF. "Transportation management organization (TMO)" means a group of employers or an association representing a group of employers in a defined geographic area. A TMO may represent employers within specific city limits, or may have a sphere of influence that extends beyond city limits.

GG. "Vanpool" means a vehicle occupied by seven to fifteen people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. A vanpool trip counts as zero vehicle trips.

HH. "Variable work schedule" means a work schedule that includes rotating shifts in which the employee is assigned different start times during the year, noncontinuous schedules in which an employee reports to the work site only during specified periods of a continuous twelve month period or other work schedule arrangements outside of a regularly scheduled continuous work period.

II. "Vehicle miles traveled (VMT) per employee" means the sum of the distance in miles of individual vehicle commute trips made by affected employees over a set period divided by the number of affected employees during that period.

JJ. "Week" means a seven day calendar period, starting on Monday and continuing through Sunday.

KK. "Weekday" means any day of the week except Saturday or Sunday.

LL. "Writing," "written," or "in writing" means original signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed by the original signed and dated document via mail or delivery. (Ord. 13321 § 1, 1998: Ord. 10733 § 1, 1993).

14.60.020 Commute trip reduction plan, base year values and zones. A. The 1998 King County Commute Trip Reduction Plan, which is Attachment A* to Ordinance 13321, is hereby adopted.

B. The goals for reducing vehicle miles traveled per employee and the SOV rate for all major employers shall not be less than a fifteen percent reduction from the worksite base year value or the base year value for the commute trip reduction zone in which their work site is located by January 1, 1995, twenty percent reduction from the base year values by January 1, 1997, twenty-five percent reduction from the base year values by January 1, 1999, and thirty-five percent reduction from the base year values by January 1, 2005. Employers which become affected employers after February 16, 1993 shall have two years to meet the first goal of fifteen percent, four years to meet the second goal of twenty percent, six years to meet the third goal of twenty-five percent and twelve years to meet the final goal of thirty-five percent reduction from the time they begin their commute trip reduction program.

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C. Commute trip reduction zones shall be the zones in Attachment B* to Ordinance 10733, which are applicable to the unincorporated areas of the county. The base year values for affected employers shall be the base year values for SOV and VMT in Attachment C* to Ordinance 10733, which are applicable to the unincorporated areas of the county. (Ord. 13321 § 2, 1998: Ord. 10733 § 2, 1993).

14.60.030 Applicability. The provisions of this chapter shall apply to any affected employer at any single work site within unincorporated King County. Employees will be counted only at their primary work site. Seasonal agricultural employees, including seasonal employees of processors of agricultural products are excluded from the count of affected employees. It is the responsibility of the employer to notify the county of a change in status as an affected employer.

A. Employers that meet the definition of an affected employer when Ordinance 10733 becomes effective and that do not submit a CTR program description within one hundred eighty (180) calendar days from approval of Ordinance 10733 are in violation.

B. An employer that meets the definition of affected employer after Ordinance 10733 becomes effective must submit a CTR program description within one hundred eighty (180) calendar days of the due date of the first quarterly submittal of Washington Employment Security Employer's Quarterly Report of Employee's Wages after having achieved affected employer status. An employer whose number of employees increases to one hundred (100) or more affected employees shall be considered an affected employer beginning with the due date of the next quarterly submittal of the Washington Employment Security Employer's Quarterly Report of Employee's Wages.

C. If an affected employer no longer employs one hundred (100) or more affected employees and expects not to employ one hundred (100) or more affected employees for the next twelve (12) months, that employer is no longer an affected employer beginning with the next quarterly submittal of the Washington Employment Security Employment Security Employers' Quarterly Report of Employee's Wages. It is the responsibility of the employer to provide documentation to the county that it is no longer an affected employer. If the same employer returns to the level of one hundred (100) or more affected employees within the same twelve (12) month period, that employer will be considered an affected employer for the entire twelve (12) month period and will be subject to the same program requirements as other affected employers. If the same employer returns to the level of one hundred (100) or more affected employees more than twelve (12) months after its change in status to an "unaffected" employer, that employer shall be treated as a new affected employer beginning with the due date of the next quarterly submittal of the Washington Employment Security Employer's Quarterly Report of Employee's Wages, and will be subject to the same program requirements as other new affected employers.

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D. An affected employer that has a work site located in both unincorporated King County and an adjacent county or one or more cities may jointly, with one of those jurisdictions, petition the county in writing at least sixty (60) calendar days prior to submittal of the employer's CTR program description or annual report to request that the employer be allowed to report to, and be governed by, the applicable commute trip reduction laws and regulations of that jurisdiction. If such request is granted, it shall be in effect for as long as the county receives copies of the employer's CTR program, annual reports and any administrative decisions or actions taken by the jurisdiction or its agents in regard to the employer. (Ord. 10733 § 3, 1993).

14.60.040 Employer program requirements. An affected employer is required to make a good faith effort, as defined in RCW 70.94.534(2) and K.C.C. 14.60.010T, to develop and implement a CTR program that will encourage its employees to reduce VMT per employee and SOV commute trips. The employer's CTR program description shall be prepared according to a format provided by the county.

A. The employer's CTR program is to contain the following required elements:

1. At a minimum, the employer's CTR program description must include:

a. a general description of the employment site location, transportation characteristics, and surrounding services, including unique conditions experienced by the employer or its employees that affect commute mode choice;

b. total number of employees at the work site and the number of employees affected by the CTR program;

c. documentation of compliance with the mandatory CTR program elements, as described in K.C.C. 14.60.040A.2;

d. description of the additional elements included in the CTR program, as described in K.C.C. 14.60.040A.3;

e. schedule of implementation, assignment of responsibilities and commitment to provide appropriate resources.

2. The employer's CTR program shall include the following mandatory elements:

a. the employer shall designate a transportation coordinator to administer the CTR program. An affected employer with multiple sites may have one transportation coordinator for all sites. The coordinator's name, location and telephone number must be displayed prominently at each affected work site. The coordinator shall oversee all elements of the employer's CTR program.

b. the employer shall provide information about alternatives to SOV commuting to employees at least once a year. This information shall consist of, at a minimum, a summary of the employer's program, including the name and telephone number of the employee transportation coordinator. Employers must also provide a summary of their program to all new employees at the time of hire. Each employer's program description and annual report must report the information to be distributed and the method of distribution.

c. the CTR program must include an annual review of affected employee commuting and of progress and good faith efforts toward meeting the SOV and VMT reduction goals as established in K.C.C. 14.60.020.

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d. the CTR program shall list all records to be maintained to document the employer's program and progress toward meeting SOV and VMT goals. Records shall be retained for a minimum of twenty-four months.

3. The employer's CTR program shall include at least one additional element needed to meet CTR goals. Such additional elements may include, but are not limited to, the following options:

a. provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles;

b. instituting or increasing parking charges for single-occupant vehicles;

c. provision of commuter ride matching services to facilitate employee ridesharing for commute trips;

d. provision of subsidies for transit fares;

e. provision of vans for vanpools;

f. provision of subsidies for carpools or vanpools;

g. permitting the use of the employer's vehicles for carpooling or vanpooling;

h. permitting flexible work schedules to facilitate employees' use of transit, carpools or vanpools;

i. cooperation with transportation providers to provide additional regular or express service to the work site;

j. construction of special loading and unloading facilities for transit, carpool and vanpool users;

k. provision of bicycle parking facilities, lockers, changing areas and showers for employees who bicycle or walk to work;

l. provision of a program of parking incentives such as a rebate for employees who do not use the parking facilities;

m. establishment of a program to permit employees to work part or full time at home or at an alternative work site closer to their homes;

n. establishment of a program of alternative work schedules, such as a compressed work week, which reduce commuting; and

o. implementation of other measures designed to facilitate the use of high occupancy vehicles, such as on-site day care facilities and emergency taxi services.

B. Transportation management organizations or other business partnerships, may submit a single program description that describes common program elements among two or more affected employers. The program should also describe specific program elements at each individual employer's work site. The transportation management organization, as an agent for its members, should provide individual performance data for each company as well as combined measurements to the county. Program modifications shall be specific to an employer. Each employer shall remain responsible for meeting the requirements of this chapter. (Ord. 13321 § 3, 1998: Ord. 10733 § 4, 1993).

14.60.050 Schedule for submittal, review and implementation. A. Not more than one hundred eighty calendar days after March 8, 1993 or within one hundred eighty calendar days after an employer achieves status as an affected employer as provided in K.C.C. 14.60.030, an affected employer shall submit to the county for review a CTR program description as provided in K.C.C. 14.60.040. The employer shall implement a CTR program not more than one hundred eighty days after the CTR program description submittal. The employer shall implement approved program modifications within thirty calendar days of the final administrative decision on such modifications.

B. Upon review of an employer's CTR program description, the county shall establish the employer's annual reporting date. Each year on the employer's reporting date, the employer shall submit an annual CTR program report to the county. The county shall provide the format for the annual report. At least thirty calendar days prior to the date an annual report is due or program modifications are to be implemented, an employer may make written request for an extension of up to ninety calendar days to complete this action. The county shall grant all or part of the extension request or shall deny the request within ten working days of receipt. If the county fails to respond within ten working days, the extension is automatically granted for thirty calendar days.

C. The county shall complete review of the employer's program description, annual report, or exemption request within ninety calendar days of receipt. The county shall provide the employer with written notification of the decision to approve required program modifications or to disapprove the employer's CTR program, annual report or exemption request including the cause for disapproval. If the employer does not receive written notification of the acceptance or rejection of the employer's CTR program description, annual report, revised CTR program or exemption within the deadlines established in this subsection, they shall be deemed accepted. An affected employer shall implement a CTR program within one hundred eighty calendar days of submitting its initial CTR program description regardless of the status of decisions concerning its approval. Thereafter the employer shall implement required program revisions within thirty calendar days of the final administrative decision on program requirements.

D. In response to recommended modifications, the employer shall submit a revised CTR program description, including the requested modifications or equivalent measures, within thirty days of receipt. The county shall review revisions made in response to recommended modifications and notify the employer of acceptance or rejection of the revised program. If a revised program is not accepted, the county will send written notice to that effect to the employer within thirty days and, if necessary, require the employer to attend a conference with program review staff for the purpose of reaching a consensus on the required program. A final decision on the required program will be issued in writing by the county within ten working days of the conference.

E. Employers may request exemptions, goal modifications or credit for TDM programs that existed prior to 1992 at least two months prior to the due date for the employer's initial CTR program description submittal. Employers may request exemptions, goal modifications, program modifications and program exemption credit as part of the annual report. Employers may request exemptions and program modifications at any time.

F. At least one year after its initial CTR program implementation, an affected employer may request a modification of the applicable CTR goals. Such requests shall be filed in writing at least sixty days prior to the date the worksite is required to submit its program description and annual report.
(Ord. 13321 § 4, 1998: Ord. 10733 § 5, 1993).

14.60.060 Criteria for goal attainment. A CTR survey supplied by the state Department of Transportation to determine progress toward goal attainment shall be conducted at affected work sites in odd numbered years through 2005. The following criteria for achieving goals for VMT per employee and proportion of SOV trips shall be applied in determining requirements for employer CTR program modifications:

A. If an employer meets either or both goals, the employer has satisfied the objectives of the CTR plan and will not be required to modify the CTR program;

B. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and K.C.C. 14.60.010T, but has not met or is not likely to meet the applicable SOV nor VMT goal, the county shall work collaboratively with the employer to make modifications to the CTR program. After agreeing on modifications, the employer shall submit a revised CTR program description to the county for approval within thirty days.

C. If an employer fails to make a good faith effort, as defined in RCW 70.94.534(2) and K.C.C. 14.60.010T, and fails to meet the applicable SOV or VMT reduction goal, the county shall work collaboratively with the employer to identify modifications to the CTR program and shall direct the employer to revise its program within thirty days to incorporate the modifications. (Ord. 13321 § 5, 1998: Ord. 10733 § 6, 1993).

14.60.070 Credits, goal and program modifications and exemptions.

A. Employers that have implemented TDM programs to reduce SOV commute travel by employees prior to the 1992 base year may apply for TDM program exemption credit at least two months prior to the due date for the employer's initial CTR program description submittal. Such employers shall be considered to have met their 1995 CTR goals if their VMT per employee and proportion of SOV trips are equivalent to a twelve) percent or greater reduction from the employers' base year zone values. This three percentage point credit applies only to the 1995 CTR goals. Application shall include results from a survey of employees or equivalent information that establishes the applicant's VMT per employee and proportion of SOV trips. The survey or equivalent information shall conform to all applicable standards established in the Commute Trip Reduction Task Force Guidelines (July 1992).

B. Affected employers that have rates of VMT per employee and proportion of SOV trips that are equal to or less than goals for one or more future goal years, may apply to be exempted from CTR program requirements at least two months prior to the due date for their initial in their CTR program description submittal or as part of an annual progress report. Application shall include results from a survey of employees or equivalent information that establishes the applicant's VMT per employee and proportion of SOV trips. The survey or equivalent information shall conform to all applicable standards established in the Commute Trip Reduction Task Force Guidelines (July 1992). Employers that apply for an exemption and whose rates of VMT per employee and proportion of SOV trips are determined by the county to be equal to or less than goals for one or more future goal years, and commit in writing to continue their current level of effort, shall be exempt from the requirements of this chapter except for the requirement to report performance in annual reports for their goal years as specified in K.C.C. 14.60.020A. If any of these reports indicate the employer does not satisfy the next applicable goal, the employer shall immediately become subject to all requirements of this chapter.

C. Adjustments to SOV and VMT rates.

1. For purposes of counting commute vehicle trips, telecommuting, alternative work schedules (excluding flex-time), bicycling and walking shall count as one and two-tenths vehicle commute trips eliminated. This also applies to VMT per employee. A transit trip counts as zero vehicle trips. A vanpool trip counts as zero vehicle trips.

2. For purposes of counting commute vehicle trips, employers that have modified their employees' work schedules out of the 6 a.m. to 9 a.m. window in response to the CTR law or for impacts associated with the Growth Management Act, chapter 36.70A RCW, may apply for credit toward calculating SOV trips and VMT per employee. Such credit shall be two-tenths of a trip reduced per employee whose work schedule has been shifted out of the 6 a.m. to 9 a.m. window. Credit will be calculated automatically beginning with program reports submitted after 1997. The following information should be submitted in support of this credit:

a. an explanation of how the schedule change is relate to provisions of the Growth Management Act of 1990;

b. the number of employees whose schedules were changed;

c. the date on which the schedule change became effective; and

d. the previous schedule for those employees for which the credit is being claimed.

D. An employer may request a modification of CTR program goals under the following conditions:

1. The employer demonstrates that it requires employees to use the vehicles they drive to work during the work day for work purposes. Under this condition, the applicable goals will not be changed, but those employees who need daily access to the vehicles they drive to work will not be included in the calculations of proportion of SOV trips and VMT per employee used to determine the employer's progress toward program goals. The employer shall provide documentation indicating how many employees meet this condition and must demonstrate that no reasonable alternative commute mode exists for these employees and that the vehicles cannot reasonably be used for carpools or vanpools.

2. The employer demonstrates that its work site is contiguous with a CTR zone boundary and that the work site conditions affecting alternative commute options are similar to those for employers in the adjoining CTR zone. Under this condition, the employer's work site may be made subject to the same goals for VMT per employee and proportion of SOV trips as employers in the adjoining CTR zone. The employer's request for a modification based on these conditions must be made to the county at least ninety days prior to the due date for submittal of the employer's CTR program description.

3. The employer demonstrates that it has significant numbers of its employees assigned to variable work schedules which makes it unreasonable to expect that such employees regularly participate in CTR programs. The employer shall provide documentation indicating how many employees meet this condition and must demonstrate that no reasonable alternative commute mode program can be developed for these employees. Under this condition, the applicable goals will not be changed, but those employees who are assigned to variable work schedules will not be included in the calculations of the proportion of SOV trips and VMT per employee used to determine the employer's progress toward program goals.

4. Beginning with the employer's first goal year, goal modifications may be requested due to unanticipated conditions:

a. the employer demonstrates that opportunities for alternative commute modes do not exist due to factors related to the work site, its work force or characteristics of the business that are beyond the employer's control;

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b. the employer clearly demonstrates why the work site is unable to achieve the applicable goal. The work site must also demonstrate that it has implemented all of the elements contained in its approved CTR program. The county will review and grant or deny requests for goal modifications as follows:

(1) a site specific goal set by survey;

(2) five percent lower than applicable goal for minor modification requests meeting the standards set forth in the state CTR Task Force Guidelines; or

(3) ten percent lower than applicable goal for major modification requests meeting the standards set forth in the state CTR Task Force Guidelines.

E. An affected employer may request modification of CTR program elements, other than the mandatory elements specified in K.C.C. 14.60.040. Such request may be granted if one of the following conditions exist:

1. The employer demonstrates that it would be unable to comply with one or more of the additional CTR program elements for reasons beyond the control of the employer; or

2. The employer demonstrates that compliance with one or more of the additional program elements would constitute an undue hardship; or

3. The employer demonstrates that another program element would be as effective or more effective than an approved additional program element. Modifications granted for the first two conditions must be reapproved as part of the annual program review.

F. An affected employer may request an exemption from all CTR program requirements for a particular work site in the CTR program description or annual reports. An exemption may be granted if and only if the employer demonstrates that it faces extraordinary circumstance, such as bankruptcy, and is unable to implement any measures that could reduce the proportion of SOV trips and VMT per employee. The county shall review annually all employers receiving exemptions and shall determine whether the exemptions will be in effect during the following program year. (Ord. 13321 § 6, 1998: 10733 § 7, 1993).

14.60.080 Appeals. Any affected employer may request reconsideration of the decision by the director of the department of transportation, who shall issue the final appealable decision on CTR exemptions, modification of goals, or modification of CTR program elements and of finding of violation pursuant to K.C.C. 14.60.090. A written appeal must be filed within fifteen calendar days of the employer's receipt of the county's final administrative decision with the King County hearing examiner pursuant to K.C.C. chapter 20.24. The appeal must state the decision being appealed and the grounds for the request. Appeals will be evaluated to determine if the administrative decisions were consistent with this chapter. (Ord. 13321, § 7, 1998: Ord. 10733 § 8, 1993).

14.60.090 Enforcement. A. Each day an employer fails to accomplish the following shall constitute a separate violation and may be subject to civil penalty of two hundred fifty dollars per violation pursuant to applicable procedures established in K.C.C. Title 23.

1. By the deadlines established in this chapter, implement an approved CTR program including the submittal of a complete CTR program description upon which the approval shall be based.

2. By the deadlines established in this chapter, modify an unacceptable CTR program after 1995 and to submit annual reports by which the need for program modifications will be determined.

3. Make a good faith effort, as defined in RCW 70.94.534(2) and K.C.C. 14.60.010T, to implement its approved program.

4. Revise a CTR program as required in RCW 70.94.534(4) and K.C.C. 14.60.060.

B. Submission of fraudulent data shall be a violation and may be subject to civil penalty of two hundred fifty dollars per violation pursuant to applicable procedures established in K.C.C. Title 23. Each day from the date of receipt of such information by the county shall constitute a separate violation.

C. An employer shall not be liable for civil penalties if failure to achieve a CTR program goal or to implement an element of an approved CTR program was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. Unionized employers shall be presumed to act in good faith compliance if they propose to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the national Labor Relations Act and advise the union of the existence of the statute and the mandates of the employer's approved CTR program and advise the union that the proposal being made is necessary for compliance with state law.

D. No affected employer may be held liable for failure to reach the applicable SOV or MVT goal.

E. Affected employers shall be given fifteen days written notice of the county's intent to seek civil penalties. (Ord. 13321 § 8, 1998: Ord. 10733 § 9, 1993).

14.60.100 Administrative rules and procedures. The director of the department of transportation is hereby instructed and authorized to adopt such administrative rules and procedures as are necessary to implement the provisions of this act. (Ord. 13321 § 9, 1998: Ord. 10733 § 10, 1993).

14.60.200 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 10733 § 11, 1993).

Chapter 14.65
INTEGRATED TRANSPORTATION PROGRAM

Sections:

14.65.010 Components of the Integrated Transportation Program. There are three (3) components of the Integrated Transportation Program. These components are as follows:

A. Transportation Concurrency Management (TCM), by which King County will regulate new development based on adequate transportation improvements needed to maintain level of service standards, in accordance with RCW 36.70A.070(6) and the King County Comprehensive Plan.

B. Mitigation Payment System (MPS), by which King County will apply transportation impact fees to new development for collecting a fair and equitable share of transportation improvement costs that are needed in accordance with RCW 82.02 and the King County Comprehensive Plan.

C. Intersection Standards (IS) by which King County will evaluate intersections affected by new development to assure safe and efficient operation and that improvements to mitigate the adverse impacts of such developments are completed, in accordance with the State Environmental Policy Act (SEPA), K.C.C. 20.44.080, and the King County Comprehensive Plan. (Ord. 11617 § 3, 1994).

14.65.020 Relationships among three components of the Integrated Transportation Program. A. Permit Processes.

1. Certificate of Concurrency: Prior to submission of a development application, a request for a certificate of concurrency shall be initiated by a submittal to the department of transportation on a prescribed form containing information describing the location, uses, intensities, trip generation characteristics and pertinent information for the intended development. The certificate is a prerequisite for a complete development application. The department of transportation shall use the submitted information to determine the net trips to be generated, taking into account commute trip reduction strategies, internal travel for mixed-use development, and pass-by trips from existing traffic flows, and shall determine whether the development passes the concurrency test prescribed in the TCM chapter of this title.

2. Development Application: Following the submission of a development application, the department of transportation shall determine the transportation impact fee to be paid under the MPS chapter of this title and shall determine the traffic impacts of the proposed development on roadway intersections that will be adversely impacted and which must be mitigated using the IS chapter of this title.

B. Calculation of Trips Generated by a Development.

1. The vehicular trips expected to be generated by a proposed development shall be calculated as of the time of application for a certificate of concurrency, using standard generation rates published by the Institute of Transportation Engineers, other standard references, or from other documented information and surveys approved by the department of transportation.

2. The department of transportation may approve a reduction in generated vehicle trips calculated pursuant to the preceding subsection based on the types of land uses that are to be developed, on the expected amount of travel internal to the development, on the expected pass-by trips from existing traffic, or on the expected reduction of vehicle traffic volumes. Such reduction shall be used when calculating TAM, MPS and IS, including any impact and mitigation fees and costs for which the development shall be liable.

The calculation of vehicular trip reductions as described in this section shall be based in all cases upon sound and recognized technical information and analytical process that represent current engineering practice. In all cases, the department of transportation shall have final approval of all such data, information, and technical procedures used to calculate trip reductions.

C. Calculations.

1. TAM Calculations. King County shall determine the Transportation Adequacy Measure (TAM) for any zone according to policies T-303, T-304, and T-306 of the comprehensive plan. The TAM is a two-part analysis, involving the average weighted volume to capacity (v/c) ratio of arterials and highways serving the zone (TAM value) and the existence of roadways critical to the zone's access not funded for improvement in the committed network (unfunded critical links). If an unfunded critical link exists, then any proposed development which sends at least thirty percent of its trips to that critical link shall be deemed to fail the concurrency test until the critical link is improved.

Administrative rules issued under the authority of this chapter shall contain a detailed technical description of the calculation of TAM and the list of potential unfunded critical links to be monitored.

2. IS Calculations. Intersection level of service shall be calculated according to the most recent Highway Capacity Manual or an alternative method approved by the department of transportation.

D. Standards.

1. The standard for the TAM value of a zone shall be those maximum average v/c zonal scores listed in Comprehensive Plan Policy T-305 for Transportation Service Areas, and displayed in K.C.C. 14.70.060.

2. The unfunded critical link standard shall apply to the links identified by administrative rule, which have a volume to capacity ratio of 1.1 or more, and which would carry more than thirty percent of the zone traffic from a residential development or more than thirty percent of the traffic from a commercial development. The concept of unfunded critical links shall not apply to roads in Transportation Service Areas 1 and 2 if HOV lanes and transit service are available now or expected to be available within six years in the unfunded critical link corridor. Unfunded critical links shall be applied only on those roadways in unincorporated King County unless they are identified in a city according to an interlocal agreement.

3. The intersection standard for all intersections shall be "E" as required by the IS chapter and calculated according to the most recent Highway Capacity Manual, or approved alternative method.

E. Application of Standards. The standards set forth above shall be used in the ITP as follows:

1. In the TCM chapter, zone evaluation of concurrency shall be calculated using the TAM value, the TAM standard for the zone, and unfunded critical links analysis.

2. In the identification of improvement needs for the Transportation Needs Report (TNR), the TAM and critical link standards will be used to determine needed improvements, together with safety, operational, multimodal, traffic congestion, and other criteria. These improvement needs shall be the source of projects included in the TNR, Capital Improvement Program (CIP), and MPS list.

3. For the determination of traffic impacts for the SEPA evaluation of a proposed development, the Intersection Standard will be used, as well as other criteria for bicycle/pedestrian, traffic congestion, safety, and road design.

F. Administrative Fees. Fees for the ITP shall be imposed as follows:

1. An original administrative fee of one hundred dollars ($100.00) plus ten dollars ($10.00) per residential unit or ten cents ($0.10) per square foot of nonresidential floor area shall be charged to the applicant for the TAM determination of concurrency and issuance of an original concurrency certificate of a proposed development. No original administrative fee shall exceed one thousand dollars ($1000.00). An additional administrative fee of fifty dollars ($50.00) and five dollars ($5.00) per residential unit or five cents ($0.05) for each square foot of nonresidential floor area shall be charged for the one-time extension of a certificate as stated in K.C.C. 14.70.080E. No additional administrative concurrency fee shall exceed five hundred dollars ($500.00). The method and time of collection of administrative fees for the concurrency test shall be stated in the administrative rules for this title.

2. All developments subject to the MPS fees shall pay an administrative fee as established by K.C.C. 14.75.080 and 14.75.090 at the time of application for an MPS determination. Payment for impact mitigation fees under MPS shall be paid at the time a development permit is issued, provided that residential developments may defer payment until building permits are issued.

3. No administrative fees shall be charged for IS review, however, the owner of a proposed development is responsible for the costs of any traffic study needed to determine traffic impacts and mitigation measures at intersections, as determined by the director.

G. Relationship to SEPA. The need for the environmental assessment of a proposed development must be determined by the department of development and environmental services, following the filing of a completed permit application. Impacts on the road system will be mitigated through MPS fees. Impacts on intersections will be mitigated through the provisions of K.C.C. 14.80.

Nothing in this chapter shall cause a developer to pay mitigation and impact fees more than once for the same impact. Improvements and mitigation measures shall be coordinated by the director with other such improvements and measures attributable to other proposed developments, and with the county road improvement program so that the county road system is improved efficiently and effectively, with minimum costs to be incurred by public and private entities. The provisions of this title do not supersede or replace the provisions of the county SEPA authority as enacted in K.C.C. 20.44. (Ord. 12616 § 1, 1997: Ord. 11617 § 4, 1994).

14.65.025 Administrative rules. The director is hereby instructed and authorized to adopt such administrative rules and procedures as are necessary to implement the provisions of this chapter. (Ord. 11617 § 64, 1994).

14.65.030 Filing appeals - Concurrency, MPS, IS. A. Appeals of the department's final decisions relative to this chapter shall be filed with the director or the director's designee.

B. Such appeals shall be in written form, stating the grounds for the appeal, and shall be filed within ten (10) calendar days of the receipt of notification of the department's final appealable decision in the matter being appealed. (Ord. 11617 § 5, 1994).

14.65.040 Grounds for appeal - Concurrency, MPS, IS. A. For appeals of denial or conditional approval of a certificate of concurrency, the appellant must show that:

1. The department committed a technical error;
2. Alternative data or a traffic mitigation plan, which may include transportation strategies such as demand management or vanpools, submitted to the department was inadequately considered;
3. The action of the department would substantially deprive the owner of all reasonable use of the property;
4. Conditions required by the department for concurrency are not related to the concurrency requirement; or
5. The action of the department was arbitrary and capricious.

B. For appeals of the MPS fee, the appellant must show that the department:

1. Committed an error in:
   a. Calculating the development's proportionate share, as determined by an individual fee calculation or, if relevant, as set forth in the fee schedule, or
   b. Granting credit for benefit factors; or
2. Based on the final decision upon incorrect data; or
3. Gave inadequate consideration to alternative data or mitigations submitted to the department.

C. For appeals of IS improvements, the appellant must show that:

1. The department committed a technical error;
2. Alternative data or a traffic mitigation plan submitted to the department was inadequately considered; or
3. Conditions required by the department are not related to improvements needed to serve the proposed development. (Ord. 12616 § 2, 1997: Ord. 11617 § 6, 1994).

Chapter 14.70
TRANSPORTATION CONCURRENCY MANAGEMENT

Sections:

14.70.010 Authority and purpose. A. This chapter is enacted pursuant to King County's powers as a home rule charter county; Article 11, § 11 of the Washington State Constitution; and the Growth Management Act, RCW 36.70A.070.

B. It is the purpose of this chapter to:

1. Provide adequate levels of service on transportation facilities for existing use as well as new development in unincorporated King County;

2. Provide adequate transportation facilities that achieve and maintain county standards for levels of service as provided in the comprehensive plan, as amended; and

3. Ensure that county level of service standards are achieved "concurrently" with development (as required by the Growth Management Act) by denying approval of development that would cause the level of service on transportation facilities to decline below county standards. Applicants for development may propose mitigation measures that will achieve and maintain the county's standard for level of service. (Ord. 11617 § 8, 1994).

14.70.020 Definitions.

A. Capital Improvement Program. Capital Improvement Program (CIP) means the expenditures programmed by King County for capital purposes over the next six-year period in the CIP most recently adopted by the county council.

B. Certificate of Concurrency. Certificate of Concurrency means the document issued by the county indicating:

1. The location or other description of the property on which the development is proposed;

2. The number of development units and specific uses, densities, and intensities that were tested for concurrency and approved;

3. The type of development approval for which the certificate of concurrency is issued;

4. An effective date; and

5. An expiration date.

C. Certificates may be conditional, unconditional, or extended, according to department administrative practices described in the public rules for the program.

Committed Network for the Transportation Adequacy Measure. Committed Network for the Transportation Adequacy Measure means the system of transportation facilities used to calculate the

Transportation Adequacy Measure to determine the level of service to transportation for a zone. The network includes transportation facilities that are needed to provide the level of service standard, including existing facilities and proposed facilities which are fully funded for construction in the most currently

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adopted six-year roads CIP or for which voluntary financial commitments have been secured. Projects to be provided by the state, cities or other jurisdictions may become part of the committed network upon decision of the director.

D. Concurrency. Concurrency means transportation improvements or strategies are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years needed to maintain the county level of service standards, according to RCW 36.70A.070(6).

E. Concurrency Test. Concurrency Test means the determination of an applicant's impact on transportation facilities by the comparison of the level of service of the concurrency zone which includes the proposed development to the level of service standard for that zone. A concurrency test must be passed in order to obtain a certificate of concurrency.

F. Concurrency Zone. Concurrency Zone means one of the zones depicted in the King County Mitigation Payment and Concurrency Zone Map which is adopted as Attachment A of Ordinance 11617 and is on file with the clerk of the council. The director of transportation may change the boundaries of such zones by including such changes in the administrative rules for this title, filing such changes with the clerk of the council, and giving public notice of such changes.

G. Department. Department means the King County department of transportation or its successor agency.

H. Development. Development means specified improvements or changes in use designed or intended to permit a use of land which will contain more dwelling units or buildings than the existing use of the land, or to otherwise change the use of the land or buildings/improvements on the land in a manner that increases the amount of vehicle traffic generated by the existing use of the land, and that requires a development permit from King County. This definition shall not pertain to the rezoning of land or a UPD permit or a fully contained community.

I. Development Approval. Development Approval means any order, permit or other official action of the county granting, or granting with conditions an application for development, but not pertaining to the rezoning of land or a UPD permit or a fully contained community.

J. Development Units. Development Units means the proposed quantity of development measured by dwelling units for residential development and square feet for nonresidential development, upon which are based the calculations of TAM for the determination of concurrency.

K. Financial Commitment. Financial Commitment consists of the following:

1. Revenue designated in the most currently adopted CIP for transportation facilities or strategies needed in the committed network for the Transportation Adequacy Measure to test for concurrency. The financial plan underlying the adopted CIP identifies all applicable and available revenue sources and forecasts these revenues through the six-year period with reasonable assurance that such funds will be timely put to such ends. Projects to be used in defining the committed network shall represent those projects which are fully funded for construction in the six years of the CIP. This commitment is annually reviewed through the annual budget process;

2. Unanticipated revenue from federal or state grants for which the county has received notice of approval; or

3. Revenue that is assured by an applicant in a form approved by the county in a voluntary agreement.

L. Peak Period. Peak Period means the one-hour weekday period during which the greatest volume of traffic uses the road system identified separately for each roadway section. For concurrency purposes, this period shall be in the afternoon of a typical weekday.

M. Pre-Application Meeting. A Pre-application Meeting is a meeting between the applicant for a transportation concurrency certificate or its extension and the staff of the department of development and environmental services and others, according to that department's rules and administrative procedures held for the purpose of determining the requirements to file a development permit application.

N. Reservation and Reserve. Reservation and Reserve means development units are set aside in the county's concurrency records in a manner that assigns the units to the applicant and prevents the same units being assigned to any other applicant.

O. Transportation Facilities. Transportation Facilities means principal, minor and collector arterial roads, streets, state highways, freeways, intersections, transit and high occupancy vehicle facilities, and non-motorized facilities (i.e., for bicycles or pedestrians). Transportation facilities include any such facility owned, operated or administered by the state of Washington and its political subdivisions, including the county and cities.

P. Transportation Strategies. Transportation Strategies means transportation demand management strategies and other techniques or programs that reduce single-occupant vehicle commute travel and that are approved by the department. Strategies may include but are not limited to vanpooling, carpooling, shuttle transportation, and public transit. (Ord. 12616 § 3, 1997: Ord. 11617 §§ 9-23, 1994).

14.70.030 Requirement for certificate of concurrency. Each applicant for a development approval, except as provided in 14.70.050A, shall present a certificate of concurrency. (Ord. 11617 § 24, 1994).

14.70.040 Concurrency test. A. Applications for certificates of concurrency, and the resulting concurrency test, shall be completed prior to application for development approval. For a UPD permit or a fully contained community, applications for certificates of concurrency, and the resulting concurrency test, shall be completed prior to issuance of a UPD permit or a permit for a fully contained community and their certificates shall not need extensions, provided that the subject developments are progressing towards completion and have not been terminated.

B. Applications for certificates of concurrency shall be submitted to the department of transportation on forms provided by the department.

C. The county shall perform a concurrency test for each application for a certificate of concurrency.

D. The county shall conduct the concurrency test first for the earliest completed application received. Subsequent applicants will be tested in the same order as the county receives completed applications.

E. The county shall not issue a certificate of concurrency unless there are adequate transportation facilities to meet the level of service standards for existing and approved uses and the impacts of the proposed development.

F. In conducting the concurrency test, the county shall use standard trip generation rates, such as those reported by the Institute of Transportation Engineers. An applicant may submit as a part of the application for certification of concurrency a calculation of alternative trip generation rates for the proposed development. The director shall review the alternate calculations and make a written determination within ten business days of submittal as to whether such calculation will be used in lieu of the standard trip generation rates. The director shall adjust the trip generation forecast of proposed development to account for allowances determined pursuant to the Mitigation Payment System's procedures for transportation strategies, including transportation demand management reductions.

G. If the level of service is equal to or better than the adopted standards, the concurrency test is passed, and the applicant shall receive a certificate of concurrency.

H. If the level of service is worse than the adopted standards, the concurrency test is not passed, and the applicant shall select one of the following options:

1. Accept a ninety-day reservation of transportation facilities that are available, and within the same ninety-day period amend the application to reduce the need for transportation facilities to the units that are available, or voluntarily arrange for the transportation facilities or strategies needed to achieve concurrency. The ninety-day period shall begin no later than fourteen days after receipt of the notification of denial. Reduction of the need for transportation facilities may be achieved through one or a combination of the following: reducing the size of the development (so long as minimum density requirements continue to be met); reducing trip generation by the original proposed development; phasing of the development to match future transportation facility construction; providing transportation strategies, when the department determines that such strategies will be reasonably sufficient as to reduce traffic to a level which meets the concurrency standard or threshold; or

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2. Accept the denial of an application for a certificate of concurrency; or

3. Appeal the denial of the application for a certificate of concurrency, pursuant to the provisions of K.C.C. 14.65.030 and 14.65.040. The county shall reserve any available development units during the appeal. Acceptance of the ninety-day period shall not impair the applicant's future right to a formal appeal at a later time.

I. The concurrency test shall be performed only for the specific property, uses, densities and intensities based on information provided by the applicant and included in the certificate of concurrency. Changes to the uses, densities, and intensities that create additional impacts on transportation facilities shall be subject to an additional concurrency test. (Ord. 12616 § 4, 1997: Ord. 11617 § 25, 1994).

14.70.050 Exemptions from concurrency. A. The following applications for development approval are exempt from the concurrency test, and may commence development without a certificate of concurrency:

1. Development that is vested prior to January 8,1995, is exempt for the development approval for which vested status was achieved;

2. Any development that is categorically exempt from environmental review according to K.C.C. 20.44.040, except short plats;

3. Renewals of previously issued, unexpired permits;

4. Expansions or phases of projects that were disclosed by the applicant and subject to a concurrency test as part of the original application, i.e., phased development, provided that a certificate of concurrency was issued for the expansion or subsequent phase;

5. Any development that will have no transportation impact, and that will not change the traffic volumes and flow patterns in the afternoon peak travel period, as determined by the director;

6. Any public elementary or middle or junior high school facilities, including new facilities and any renovation, expansion, modernization or reconstruction of existing facilities and the addition of relocatable facilities; and

7. Any renovation, expansion, modernization or reconstruction of an existing public high school facility and the addition of relocatable facilities; provided that, any expansion of an existing public high school that would generate new trips during the peak hours shall be required to prepare and implement a transportation demand management plan. The high school transportation demand management plan shall be submitted to and approved by the director of the department of transportation prior to the issuance of the building permit. The high school demand management plan shall pertain to the entire school and shall specify measures to be implemented to reduce single occupant vehicle travel by students, faculty and staff. The plan shall further specify how the school district and department of transportation will cooperate in monitoring the implementation of such measures and make adjustments as needed to achieve reduction goals. A high school may voluntarily choose to prepare and implement a transportation demand management plan for any expansion of an existing public high school facility that would not generate new trips during the peak hours.

B. In order to monitor the cumulative effect of exempt development approvals on the level of service of transportation facilities, the county shall add the impacts of exempt development approvals to the transportation adequacy measure and all other relevant concurrency monitoring records. Development units shall be allocated to vested development based on the amount such vested developments are likely to need on an annual basis. The allocation shall be based on each vested development's historical building patterns over recent years. If no such historical record or pattern can be determined for a vested development, then the allocation to each year of the first six years shall be one-sixth of the construction activity remaining to be built in the development. All allocations of facility capacity to vested.

development shall be subtracted from the remaining capacity available for development that is not vested. (Ord. 13618 § 1, 1999: Ord. 12616 § 5, 1997: Ord. 11617 § 26, 1994).

14.70.060 TAM standards. A. The following are the TAM standards for each Transportation Service Area, as adopted in the King County Comprehensive Plan Policy T-305, provided there are no unfunded critical links affecting the concurrency zone:

Transportation Service Area	Maximum Averaged V/C Zonal Score	Average TAM Standard
Transportation Service Area 1 with adequate HOV and transit service (Activity center)	> 1.0	F
Transportation Service Area 1 without adequate HOV and transit service	0.99	E
Transportation Service Area 2 (Full service area with transit priority)	0.99	E
Transportation Service Area 3 (Full service area)	0.89	D
Transportation Service Area 4 (Service planning area)	0.79	C
Transportation Service Area 5 (Rural area)	0.69	B

The TAM standard for Transportation Service Area 3 shall be applied to development requests in Transportation Service Area 4 for individual sites where public sewer and water services are available at the time of the development permit application, as evidenced by water and sewer availability certificates satisfactory to the department.

For the purpose of this section, "adequate HOV and transit service" means that those services planned for Transportation Service Area 1 are in operation. The standard in each concurrency zone or part hereof shall be the same as for the Transportation Service Area in which the zone or part is located. In the event that a concurrency zone is affected by one or more unfunded critical links, the concurrency zone shall be considered to fail the standard for the zone.

B. A certificate of concurrency shall not be issued to any proposed development if the standards in this section are not achieved and maintained for the development as a whole, or the portion of the development in each Transportation Service Area in which the development is proposed. (Ord. 12616 § 6, 1997: Ord. 11617 § 27, 1994).

14.70.070 Update of TAM. Levels of service shall be monitored and the traffic model for the Transportation Adequacy Measure shall be updated at least once per year. The monitoring and update process shall include traffic volumes, approval of additional development, completion of previously approved development, improvements to transportation facilities, and the effect of transportation strategies. (Ord. 11617 § 28, 1994).

14.70.080 Certificate of concurrency. A. A certificate of concurrency shall be issued by the director or the director's designee. Issuance of a certificate creates a rebuttable presumption that the proposed development satisfies the concurrency requirements of this chapter. The determination of concurrency shall be final at the time of development approval. The issue of concurrency may be raised as part of the review process for the development application for which the certificate of concurrency was issued.

B. Upon issuance of a certificate of concurrency, the county shall reserve development units on behalf of the applicant, and indicate the reservation on the certificate of concurrency.

C. A certificate of concurrency shall expire if the development permit for which the concurrency is reserved is not applied for within one hundred and eighty days of issuance or extension of the certificate of concurrency. A certificate of concurrency shall be required in application for a formal subdivision plat under K.C.C. 19.36.045 and for a short plat under K.C.C. 19.26.020, and for a commercial building permit.

D. A certificate of concurrency shall be valid for the development permit application period and subsequently for the same period of time as the development approval which is issued pursuant to the certificate of concurrency. If the development approval does not have an expiration date, the certificate of concurrency shall be valid for five years from the date of issuance.

E. A certificate of concurrency shall be valid for an initial one hundred eighty-day period and may be extended one time for an additional one hundred eighty days by the director, provided that the holder of the original certificate or his agent has, before the time of expiration of the original certificate, scheduled a pre-application meeting with the department of development and environmental services, has requested such extension in writing to the director and has paid the extension fee. A further ninety-day extension of a certificate of concurrency by the director shall be made only under extraordinary circumstances, and shall require the receipt of a current certificate of water availability, if required by K.C.C. chapter 13.24, and a written request by the applicant to the director.

F. A certificate of concurrency can be extended to remain in effect for the life of each subsequent development approval for the same parcel, as long as the applicant obtains the subsequent development approval prior to the expiration of the earlier development approval. No development shall be required to hold more than one valid certificate of concurrency, unless the applicant or subsequent owner proposes changes or modifications to the property location, density, intensity or land use that creates additional impacts on transportation facilities.

G. A certificate of concurrency runs with the land and is valid only for subsequent development approvals for the same parcel, and to new owners of the original parcel for which it was issued. A certificate of concurrency cannot be transferred to a different parcel and shall be limited to uses and intensities for which it was originally issued.

H. Upon subdivision of a parcel that has obtained a certificate of concurrency, the county may replace the certificate of concurrency by issuing a separate certificate of concurrency to each subdivided parcel, assigning to each a pro rata portion of the development units of the original certificate. The director may modify such assignment upon petition of the owner.

I. A certificate of concurrency shall expire if the underlying development approval expires or is revoked or denied by the county.

J. All development approvals that voluntarily provide funding for one or more transportation facilities by the development or entities other than the county shall be conditioned to require that prior to the issuance of any final development approval the availability of such transportation facilities or financial arrangements has been confirmed.

K. Upon annexation of any development, the provisions for the certificate of concurrency shall be enforced by the interlocal agreement with the annexing city. (Ord. 13145 § 1, 1998: Ord. 12616 § 7, 1997: Ord. 11617 § 29, 1994).

14.70.090 Fees. A. The county shall charge an administrative fee for conducting the concurrency test in accordance with K.C.C. 14.65.020F, and an additional fee for the one-time extension of a valid certificate. The concurrency test fee shall not be refundable.

B. The following types of development are exempt from the concurrency test fee:

1. All applications that are exempt from the concurrency test pursuant to K.C.C. 14.70.050; and

2. Development by municipal, county, state, and federal governments, and special districts (as that term is defined by state law). (Ord. 12616 § 9, 1997: Ord. 11617 § 30, 1994).

14.70.092 Applicability. The provisions and fees of this chapter shall apply to every application for a transportation concurrency certificate and to every request for the extension of a valid certificate received by the department after the effective date of Ordinance 12616. (Ord. 12616 § 10, 1997).

14.70.100 Provision of needed transportation facilities. A. The county shall determine that transportation facilities are available to support development at adopted TAM standards within six years of the impacts of such development. The county shall require at the time the certificate of concurrency is issued that:

1. The necessary facilities and services are in place at the time a development approval is issued; or

2. The necessary facilities will be complete within six years of development approval:

a. The necessary facilities are under construction at the time a development approval is issued, and financial commitment is in place to complete the necessary facilities within six years of issuance of development approval; or

b. The necessary facilities are the subject of a binding executed contract of development agreement which provides for the actual construction or financial commitment of the required facilities, guarantees that the necessary facilities will be in place within six years of issuance of development approval, and provides that the capital project is included in, or will be added to, the committed network for the Transportation Adequacy Measure, the Transportation Needs Report, and the six-year Capital Improvements Program; or

c. The county has in place financial commitments to complete the necessary public facilities or strategies within six years of issuance of development approval; or

3. Development approvals are issued subject to a binding executed contract, UPD development agreement or other binding condition which provides that any facilities and strategies necessary to meet concurrency requirements after issuance of development approval will be in place within six years of occupancy and use of the development.

B. The certificate of concurrency shall be binding on the county at such time as the applicant provides assurances, acceptable to the county in form and amount, to guarantee the applicant's pro rata share of the cost of capital improvements needed for concurrency as determined by the Mitigation Payment System (K.C.C. 14.75).

C. The director may make adjustments to the committed network for TAM for corrections, updates, and modifications concerning costs; revenue sources; acceptance of facilities pursuant to dedications which are consistent with the adopted comprehensive plan; or the date of construction (so long as it is completed within the six-year period) of any facility enumerated in the Capital Improvements Program.

D. The county shall identify projects in the adopted six-year CIP required for the committed network for the Transportation Adequacy Measure and any capital improvements for which a binding agreement has been executed with another party. (Ord. 11617 § 31, 1994).

14.70.110 Intergovernmental coordination. The county may enter into agreements and continue existing agreements with other local governments and the State of Washington to coordinate the imposition of TAM standards, impact fees and other mitigation for transportation concurrency. Existing agreements shall continue in force until modified or completed.

A. The county may apply transportation standards, fees and mitigations to development in the county that impacts other local governments and the State of Washington. Development approvals by the county may include conditions and mitigations that will be imposed on behalf of, and implemented by other local governments and the State of Washington.

B. The county may receive impact fees or other mitigations based on or as a result of development proposed in other jurisdictions that impacts the county. The county may agree to accept and implement conditions and mitigations that are imposed by other jurisdictions on development in their jurisdiction.

C. No fees or mitigations for transportation facilities of other agencies will be required by the county unless an agreement has been executed between the county and the affected agency. The agreement shall specify the fee schedule and level of service standards to be used by the county and the affected agency, which standards shall be consistent with the county's comprehensive plan and, if different than the standards adopted pursuant to this title, shall be adopted by ordinance. (Ord. 11617 § 32, 1994).

14.70.120 Relationship to SEPA. A determination of concurrency shall be an administrative action of King County that is categorically exempt from the State Environmental Policy Act. (Ord. 11617 § 33, 1994).

14.70.200 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 11617 § 66, 1994).

Chapter 14.75
MITIGATION PAYMENT SYSTEM

Sections:

14.75.010 Authority and purpose. A. The department is authorized to impose transportation impact fees on new development pursuant to King County's powers as a home rule charter county; Article 11, § 11 of the Washington State Constitution; and the Growth Management Act, Laws of 1990, 1st Ex. Sess., chapter 17, RCW Chapter 82.02.

B. The purposes of this chapter are to:

1. Ensure that financial commitments are in place so that adequate transportation facilities are available to serve new growth and development;

2. Promote orderly growth and development by establishing standards requiring that new growth and development pay a proportionate share of the cost of new transportation facilities needed to serve new growth and development;

3. Ensure that transportation impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact;

4. Implement the transportation policies of the transportation element of the King County Comprehensive Plan; and

5. Provide additional funding for growth-related transportation improvements identified by the King County Comprehensive Plan as reasonable and necessary to meet the future growth needs of King County. (Ord. 11617 § 35, 1994).

14.75.020 Definitions.

A. Corridor. Corridor means the road or set of roads within the county in which vehicle trips to or from a development will take place. Vehicles have flexibility as to an exact route within a corridor but little choice as to whether to use the corridor.

B. MPS project. MPS project means a growth-related road improvement, which is a system improvement, that is selected by the King County council for joint private and public funding pursuant to this chapter and that is located:

1. On a county road in unincorporated King County; or

2. On a city road in a city within King County when the city has an ordinance implementing the Growth Management Act of 1990, RCW. Chapter 82.02, and when King County has an appropriate interlocal agreement with the city; or

3. On a state road in King County once the Washington State Department of Transportation (WSDOT) has adopted procedures that will enable it to plan for and fund growth-related improvements to state roads in a manner that satisfies the requirements of the Growth Management Act of 1990, RCW Chapter 82.02, and once King County has an appropriate interlocal agreement with WSDOT.

C. Project cost. Project cost means the estimated cost of constructing an MPS project, including the costs of design and right of way acquisition.

D. Development improvements. Development improvements means site improvements and facilities that are planned and designed to provide service for a particular development and that are necessary for the use and convenience of the occupants or users of the development, and are not system improvements. No transportation improvement or facility that is considered a development improvement shall be included in the MPS project list.

E. Service district. Service district means geographic area defined by the county, or intergovernmental agreement, in which a defined set of transportation facilities provide service to development within the district. Service districts shall be designated on the basis of sound planning or engineering principles. Development in a service district may, and will likely be found to, impact roadways and intersections both inside and outside the service district, and the MPS fee will reflect a charge for all such impacts. The MPS service districts shall be the MPS zones.

F. Traffic impacts. Traffic impacts means the diminishment of capacity of a roadway or intersection by the addition of new vehicle trips. Effects of new vehicle trips that are not quantifiable or to the extent that the effects cannot be mitigated fully by the addition of new capacity - such as safety hazards and inadequate signalization - are not traffic impacts for MPS purposes. (Ord. 11617 §§ 36-41, 1994).

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14.75.030 Scope and use of impact fees. Impact fees:

A. Shall only be imposed for transportation improvements that are reasonably related to the traffic impacts of the new development;

B. Shall not exceed a proportionate share of the costs of transportation improvements that are reasonably related to the new development;

C. Shall be used for transportation improvements that will reasonably benefit the new development;

D. Shall not be used to correct existing deficiencies; and

E. Shall not be imposed to mitigate the same off-site traffic impacts that are being mitigated pursuant to any other law. (Ord. 11617 § 42, 1994).

14.75.040 Fee schedules and establishment of service districts. A. Fee schedules stating the amount of the MPS fee which residential development shall pay for development subject to MPS fees are set forth in K.C.C. 14.75.040F as described in K.C.C. 14.75.040D and E. Subsequent fee schedules shall be established pursuant to K.C.C. 14.75.050. All other development shall pay an MPS fee individually calculated by the department, as set forth in K.C.C. 14.75.050B. The MPS administrative fee which all developers shall pay is set forth in K.C.C. 14.75.080 and 14.75.090.

B. For purposes of this chapter, the county is divided into service districts as set forth in Attachment A of Ordinance 13696. In each service district, similar types of residential development shall pay the same MPS fee, unless the amount of the fee is altered because:

1. Unusual circumstances exist and the department adjusts the amount of the fee as provided in K.C.C. 14.75.040C; or

2. The developer submits studies or data showing that the fee as set forth in the applicable schedule or as calculated by the department is in error, as provided in K.C.C. 14.75.150.

C. The department may adjust the standard impact fee as set forth in the fee schedules at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that MPS fees are imposed fairly. The department shall set forth its reasons for adjusting the standard MPS fee in written findings.

D. The fee schedule in K.C.C. 14.75.040F for residential dwelling units is effective on December 27, 1999, if the MPS interlocal agreements between King County and the city of Issaquah and King County and the city of Redmond for reciprocal collection of transportation impact fees have been executed and are in effect by the date. If those interlocal agreements are not effective by that date, then the fee schedule has no effect and the county shall continue to use its present fee schedule until a revised schedule is adopted by the council.

E. The multifamily residential fee shall be determined based on the appropriate single family fee shown K.C.C. 14.75.040F multiplied by 0.6. The residential MPS fee for any unincorporated area not within a zone listed on the King County residential fee schedule shall be one hundred eighty-nine dollars.

F. King County residential fee schedule.

Zone	Fee($)	Zone	Fee($)	Zone	Fee($)	Zone	Fee($)	Zone	Fee($)	Zone	Fee($)
70	$24	**169**	$0	**227**	$152	**300**	$1925	**358**	$2154	**416**	$3689
71	$26	**170**	$0	**228**	$0	**301**	$2050	**359**	$1631	**417**	$2433
75	$60	**171**	$0	**229**	$0	**302**	$2018	**360**	$0	**418**	$2362
85	$1082	**172**	$0	**230**	$305	**303**	$6455	**361**	$0	**419**	$1481
86	$330	**173**	$0	**231**	$0	**304**	$1962	**362**	$0	**420**	$0
88	$348	**174**	$0	**232**	$156	**305**	$4734	**363**	$2021	**421**	$0
89	$457	**175**	$0	**233**	$184	**306**	$6330	**364**	$0	**422**	$575
90	$885	**176**	$31	**234**	$222	**307**	$6058	**365**	$272	**423**	$820
100	$394	**177**	$25	**235**	$166	**308**	$0	**366**	$177	**424**	$872
102	$223	**178**	$14	**236**	$185	**309**	$0	**367**	$917	**425**	$835
108	$2125	**179**	$10	**238**	$0	**310**	$0	**368**	$0	**426**	$899
113	$254	**180**	$12	**239**	$64	**311**	$1092	**369**	$201	**427**	$718
115	$449	**181**	$35	**240**	$38	**312**	$1577	**370**	$471	**428**	$1546
117	$1065	**182**	$48	**241**	$26	**313**	$1053	**371**	$512	**429**	$0
120	$284	**183**	$60	**242**	$56	**314**	$1581	**372**	$294	**430**	$0
121	$149	**184**	$68	**243**	$49	**315**	$0	**373**	$352	**431**	$990
124	$73	**185**	$147	**255**	$0	**316**	$258	**374**	$105	**432**	$2297
126	$33	**186**	$0	**257**	$16	**317**	$315	**375**	$199	**433**	$2366
128	$43	**187**	$43	**258**	$38	**318**	$524	**376**	$242	**434**	$1538
129	$39	**188**	$51	**259**	$40	**319**	$427	**377**	$113	**435**	$1324
130	$29	**189**	$62	**260**	$29	**320**	$1207	**378**	$200	**436**	$2270
132	$34	**190**	$54	**263**	$21	**321**	$1402	**379**	$105	**437**	$1213
133	$1	**191**	$68	**264**	$2969	**322**	$0	**380**	$60	**438**	$0
134	$4621	**192**	$84	**265**	$843	**323**	$0	**381**	$54	**439**	$1229
135	$3380	**193**	$0	**266**	$1513	**324**	$0	**382**	$6200	**440**	$4594
136	$4545	**194**	$165	**267**	$1688	**325**	$1374	**383**	$5584	**441**	$2159
137	$4651	**195**	$135	**268**	$1336	**326**	$2295	**384**	$4880	**442**	$2913
138	$3776	**196**	$260	**269**	$962	**327**	$1901	**385**	$5843	**443**	$2122
139	$3164	**197**	$0	**270**	$865	**328**	$1256	**386**	$5481	**444**	$0
140	$1909	**198**	$0	**271**	$980	**329**	$0	**387**	$5007	**445**	$0
141	$1740	**199**	$136	**272**	$929	**330**	$0	**388**	$7136	**446**	$794
142	$1684	**200**	$80	**273**	$1084	**331**	$4738	**389**	$4819	**447**	$0
143	$1515	**201**	$0	**274**	$1720	**332**	$0	**390**	$3313	**448**	$0
144	$788	**202**	$0	**275**	$281	**333**	$824	**391**	$3201	**449**	$2740
145	$742	**203**	$0	**276**	$405	**334**	$1770	**392**	$3827	**450**	$1559
146	$790	**204**	$0	**277**	$732	**335**	$1855	**393**	$4698	**451**	$1476
147	$604	**205**	$0	**278**	$166	**336**	$4687	**394**	$4784	**452**	$2128
148	$406	**206**	$0	**279**	$176	**337**	$6353	**395**	$2327	**453**	$1476
149	$368	**207**	$0	**280**	$119	**338**	$4933	**396**	$4799	**454**	$2467
150	$0	**208**	$0	**281**	$292	**339**	$5575	**397**	$3060	**455**	$449
151	$0	**209**	$0	**282**	$472	**340**	$3168	**398**	$3109	**456**	$1410
152	$0	**210**	$0	**283**	$381	**341**	$3352	**399**	$2223	**457**	$0
153	$0	**211**	$0	**284**	$360	**342**	$3730	**400**	$2090		
154	$0	**212**	$0	**285**	$0	**343**	$1228	**401**	$1412		
155	$0	**213**	$0	**286**	$0	**344**	$2898	**402**	$1414		
156	$34	**214**	$0	**287**	$0	**345**	$3704	**403**	$1203		
157	$0	**215**	$1273	**288**	$0	**346**	$3886	**404**	$1092		
158	$0	**216**	$785	**289**	$378	**347**	$1550	**405**	$1123		
159	$0	**217**	$0	**290**	$421	**348**	$2866	**406**	$2226		
160	$0	**218**	$0	**291**	$0	**349**	$2613	**407**	$2167		
161	$0	**219**	$0	**292**	$866	**350**	$1408	**408**	$3250		
162	$0	**220**	$0	**293**	$0	**351**	$611	**409**	$3029		
163	$0	**221**	$0	**294**	$0	**352**	$0	**410**	$4291		
164	$0	**222**	$0	**295**	$5488	**353**	$0	**411**	$1150		
165	$0	**223**	$135	**296**	$7535	**354**	$735	**412**	$0		
166	$0	**224**	$0	**297**	$997	**355**	$1562	**413**	$0		
167	$0	**225**	$0	**298**	$2928	**356**	$649	**414**	$0		
168	$0	**226**	$219	**299**	$6474	**357**	$1507	**415**	$0		

Any Unincorporated residential fee not listed above will be $130.

(Ord. 13696 § 1, 1999: Ord. 11617 § 43: 11617 Attachment B, 1994).

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14.75.050 Calculation of MPS fees. A. The department shall calculate the MPS fees set forth in the fee schedules, K.C.C. 14.75.040, by means of a computer modeling system that:

1. Incorporates the service districts adopted in K.C.C. 14.75.040B.

2. Within each service district of the county, determines the standard fee for similar types of residential development, which shall be reasonably related to each development's proportionate share of the cost of the transportation improvement projects being funded by this chapter and shall reasonably reflect the average fee for similar development in the same service district; and

3. Reduces the proportionate share by applying the benefit factors set forth in this chapter.

B. When a development's fee is not determined by the fee schedules adopted in K.C.C. 14.75.040, the department shall calculate the MPS fee by means of a computerized modeling system, which is the same system used to determine the fee schedules, and which:

1. Determines the development's proportionate share of the cost of the transportation improvement projects being funded by this chapter; and

2. Reduces the proportionate share by applying the benefit factors set forth in this chapter.

C. The department's computer model shall calculate proportionate share for use in either fee schedules or individual calculations by:

1. Determining the number of peak hour vehicle trips generated by development that will benefit from the vehicle capacity added, or to be added, by the road improvements on the MPS project list;

2. Determining the unit cost of added capacity for each MPS project by dividing the estimated cost of each project by the amount of capacity added; and

3. Multiplying the number of peak hour trips added to each MPS project by the unit cost of added capacity for those projects.

D. In calculating proportionate share, the department's modeling system shall:

1. Recognize that a development's traffic will use a corridor rather than a particular roadway;

2. Use trip generation rates published by the Institute of Transportation Engineers (ITE) unless:

a. actual measurements of the rate of trip generation by similar developments in King County are available, and the director determines that these local measurements are more accurate; or

b. ITE trip generation rates for the proposed development are not available, in which case the director:

(1) may use published rates from another source; or

(2) may calculate the rate from data about the population of the proposed development;

(3) may require the developer to obtain actual measurements of trip generation rates by similar developments in King County;

3. Reduce the trip generation rate to reflect reductions in traffic that will occur because of transportation strategies, as described in the administrative rules for this title;

4. Identify all roadways and intersections that will be impacted by traffic from each development for as far from the development as the model can measure;

5. Identify when the capacity of an MPS project has been fully utilized;

6. Update the data in the model as often as practicable;

7. Estimate the cost of constructing the projects on the MPS project list as of the time they are placed on the list, and then update the cost estimates periodically, considering the:

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a. availability of other means of funding transportation facility improvements;
b. cost of existing transportation facility improvements; and
c. methods by which transportation facility improvements were financed;

8. Update the fee collected against a project which has already been completed, through an advancement of county funds, at a rate adjusted in accordance with the Engineering News Record (ENR) Construction Cost Index for the Seattle area; and

9. Charge a development for the total traffic entering and exiting the development during the peak hour.

E. The department's modeling system shall reduce the calculated proportionate share by giving credit for the following benefit factors:

1. A fifteen-percent credit in recognition that some of the trips from a development paying an MPS fee may begin or end within a jurisdiction with which the county has executed a reciprocal MPS agreement, or within another development which is or has been subject to MPS requirements;

2. Past or future payments made or reasonably anticipated to be made by a development to pay for particular transportation improvements in the form of user fees, debt service payments, taxes or other payments earmarked for or proratable to the same projects being funded by the development's MPS fee; or

3. The value of any dedication of land for, improvement to or new construction of any system improvements provided by the developer to transportation facilities that are identified in the MPS project list and that are required by the county as a condition of approving the development activity. When an MPS project is constructed on both on-site and off-site land, the department shall determine, in light of all the circumstances, what proportion of the developer's costs should fairly and reasonably be attributed to the work done on off-site land.

F. The department shall review the fifteen-percent factor periodically and propose revisions to the factor when appropriate to reflect the actual number of trips generated by new development which also begin or end in other developments which have previously been subject to a fee for the same impact.

G. If the credit determined according to K.C.C. 14.75.050E.3 exceeds the amount of the developer's MPS fee, the department shall reimburse the developer from MPS fees collected from other developers for the same MPS project.

H. The amount of credit determined according to K.C.C. 14.75.050E.3 shall be credited proportionately among all the lots in the development and the MPS fee for each lot for which a building permit is applied shall be reduced accordingly.

I. The department shall use the information from the computerized modeling system to prepare a draft fee schedule list periodically. The council shall establish by ordinance the fee schedule applicable to each service area in the county by adopting, with or without modification, the department's draft fee schedules.

J. The department shall present to the council in administrative rules the proposed changes in the service district boundaries, set forth in K.C.C. 14.75.040B, as often as is necessary to ensure that the service district boundaries conform to sound planning or engineering principles.

K. To the extent practicable, and in accordance with sound planning or engineering principles, the department shall develop and propose to the council for adoption precalculated fee schedules applicable to types of development in addition to residential development. (Ord. 13696 § 2, 1999: Ord. 11617 § 44, 1994).

14.75.060 Multifamily Residential MPS fee schedule. Fees for multifamily residential dwelling units shall be sixty (60) percent of the fees charged to single family residential dwelling units. (Ord. 11617 § 45, 1994).

14.75.070 Payment of fees. A. All developers shall pay an MPS fee in accordance with the provisions of this chapter at the time that the applicable development permit is ready for issuance. The fee paid shall be the amount in effect as of the date of permit application.

B. All developers shall pay an MPS administrative fee at the time of application for a development permit as set forth in Sections 14.75.080 and 14.75.090.

C. An individually determined MPS fee shall be calculated at the time of application for a development permit, after transmittal to the department of the information provided by the developer to DDES. The department's determination of the development's traffic impacts shall be transmitted to DDES for use in its review pursuant to the State Environmental Policy Act.

D. The fee as initially calculated after application for a development permit shall be recalculated at the time of payment if the development is modified or conditioned in such a way as to alter the trip generation rate for the development or the development's total peak hour trips.

E. No development permit shall be issued until the MPS fee is paid, except that developers of residential subdivisions, short subdivisions, urban planned developments, or planned unit development may defer payment until building permits are issued for the lots within the subdivision, short subdivision or planned unit development.

F. A developer may obtain a preliminary determination of the MPS fee before application for a development permit, by paying a processing fee pursuant to Section 14.75.080 and providing the department with the information needed for processing.

G. MPS fees may be paid under protest in order to obtain a permit or other approval of development activity. (Ord. 11617 § 46, 1994).

14.75.080 Administrative fees. A. All development permits subject to the MPS fees pursuant to K.C.C. 14.75.070 shall pay an administrative fee of sixty dollars.

B. All development permits which require an individually determined MPS fee according to K.C.C. 14.75.070C shall pay an administrative processing fee of three hundred twenty dollars. (Ord. 13696 § 3, 1999: Ord. 11617 § 47, 1994).

14.75.090 Administrative fee for preliminary fee calculation. Requests to the department for a preliminary determination of an MPS fee prepared pursuant to subsection 14.75.070F shall be charged the administrative processing fee set forth in Section 14.75.080. (Ord. 11617 § 48, 1994).

14.75.100 Project list. A. In conjunction with the department's annual review and update of the Transportation Needs Report (TNR) element of the King County Comprehensive Plan the department shall do the following:

1. Identify each project in the TNR that is growth-related and the proportion of each such project that is growth-related;

2. Forecast the total monies available from taxes and other public sources for road improvements over the multi-year program.

3. Calculate the amount of MPS fees already paid; and

4. Identify those MPS projects that have been or are being built but whose performance capacity has not been fully utilized.

B. The department shall use this information to prepare an annual Draft MPS project list, which shall comprise:

1. The projects on the TNR, in order of priority, that are growth-related and that are capable of being funded with the forecast public monies and the MPS fees already paid; and

2. The MPS projects already built or funded pursuant to this chapter whose performance capacity has not been fully utilized.

C. The council, at the same time that it adopts the annual budget and appropriates funds for capital improvement projects, shall by separate ordinance establish the annual MPS project list by adopting, with or without modification, the department's draft list.

D. Once a project is placed on the MPS project list, a fee shall be imposed on every development that impacts the project until the project is removed from the list by one of the following means:

1. The council by ordinance removes the project from the MPS project list, in which case the fees already collected will be refunded if necessary to ensure that the MPS fee remains reasonably related to the traffic impacts of development that have paid an MPS fee; provided, that a refund shall not be
necessary if the council transfers the fees to the budget of another project that the council determines will mitigate essentially the same traffic impacts; or

2. The capacity created by the project has been fully utilized, in which case the department shall administratively remove the project from the MPS project list. (Ord. 11617 § 49, 1994).

14.75.110 Funding of projects. A. An MPS trust and agency fund is hereby created. This MPS fund shall be a first-tier fund as described in King County Code Chapter 4.10. The director of the department of public works shall be the fund manager. MPS fees shall be placed in appropriate deposit accounts within the MPS fund.

B. The MPS fees paid to the county shall be held and disbursed as follows:

1. The fees collected for each MPS project shall be placed in a deposit account within the MPS fund;

2. The roads and engineering division is authorized to transfer the project fees held in the MPS fund to the CIP fund no less than once a year in the year following receipt of the fees;

3. The non-MPS fee monies appropriated for the MPS project shall comprise both the public share of the project cost and an advancement of that portion of the private share that has not yet been collected in MPS fees;

4. The first money spent by the department on an MPS project after a council appropriation shall be deemed to be the fees from the MPS fund;

5. Fees collected after a project has been fully funded by means of one or more council appropriations shall constitute reimbursement to the county of the public monies advanced for the private share of the project. The public monies made available by such reimbursement shall be used to pay the public share of other MPS projects or to pay for smaller scale, growth-related projects that are not placed on the MPS Project List; and

6. All interest earned on the MPS fees paid by developers shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed.

C. MPS fees for transportation facility improvements shall be expended only in conformance with the transportation element of the King County Comprehensive Plan.

D. MPS projects shall be funded by a balance between MPS fees and other sources of public funds, and shall not be funded solely by MPS fees.

E. MPS fees shall be expended or encumbered for a permissible use within six years of receipt, unless there exists an extraordinary or compelling reason for fees to be held longer than six years. The department mayrecommend to the council that the county hold fees beyond six years in cases where extraordinary or compelling reasons exist. Such reasons shall be identified in written findings by the council.

F. The department and the council may pool the MPS fees already collected from a development whenever appropriate to help finance a project with high priority among the projects impacted by the development.

G. The department shall pool MPS fees whenever necessary to ensure that the fees are expended or encumbered for a permissible use within six (6) years of receipt. Pooling for such purpose shall be accomplished as follows:

1. The department shall determine which project has the highest priority among the projects for which MPS fees were collected for each such development, and the department shall transfer the MPS fees paid by the development to the budget of the project with the highest priority.

2. The department shall indicate in the TNR which projects have funds in their budget that have been pooled to ensure that they are expended or encumbered in a timely manner.

H. The department shall prepare an annual report on each MPS fee account showing the source and amount of all moneys collected, earned or received and transportation improvements that were financed in whole or in part by MPS fees. (Ord. 11617 § 50, 1994).

14.75.120 Refunds. A. A developer may request and shall receive a refund when the developer does not proceed with the development activity for which MPS fees were paid, and the developer shows that no impact has resulted. However, the MPS administrative fee shall not be refunded.

B. If a property owner appears to be entitled to a refund of MPS fees, the department shall notify the property owner by first class mail deposited with the United States postal service at their last known address. The property owner must submit a request for a refund to the council in writing within one year of the date the right to claim the refund arises or the date the notice is given, whichever is later. Any impact fees that are not expended or encumbered within the time limitations established by Section 14.75.110E and for which no application for a refund has been made within this one-year period, shall be retained and expended on the projects for which it was collected.

C. In the event that MPS fees must be refunded for any reason, they shall be refunded with interest earned to the property owners as they appear of record with the King County assessor at the time of the refund.

D. When the county seeks to terminate any or all impact fee requirements, all unexpended or unencumbered funds shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the county shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two (2) times and shall notify all potential claimants by first class mail to the last known address of claimants. Claimants shall request refunds as in subsection B of this section. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the county, but must be expended for the indicated road facilities. This notice of requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated. (Ord. 11617 § 51, 1994).

14.75.130 Exemptions for schools. A. Public school districts shall be exempted from payment of mitigation payment system fees.

B. The amount of the MPS fees not collected from school districts shall be paid from public funds other than impact fee accounts. (Ord. 11617 § 52, 1994).

14.75.140 Exemption or reduction for low and moderate income housing.

A. Public housing agencies or private non-profit housing developers participating in publicly sponsored or subsidized housing programs may apply to the department of human services (DHS) for exemptions from MPS fee requirements. DHS shall review proposed developments of low income or moderate housing by such public or non-profit developers pursuant to criteria and procedures adopted by administrative rule. If DHS determines that a proposed development of low or moderate income housing satisfies the adopted criteria, DHS shall notify the department and such development shall be exempted from the requirement to pay an MPS fee.

B. Private developers who dedicate residential units for occupancy by low or moderate income households may apply to P,P, & R for reductions in MPS fees. DHS shall review such proposed developments pursuant to criteria and procedures adopted by administrative rule. If DHS determines that a proposed development satisfies the adopted criteria, DHS shall notify the department and the department shall reduce the calculated MPS fee for the development by an amount that is proportionate to the number of units in the development that satisfy the adopted criteria.

C. Developers of individual low or moderate income households who are building, contracting to build or siting a house may apply to DHS for an exemption from MPS fees. DHS shall review such proposed exemptions pursuant to criteria that include household income and assets, and the cost of the site, site improvements and the housing. The procedures used to evaluate an exception shall be adopted by administrative rule. If DHS determines that a household qualifies for exemption per the adopted criteria, DHS shall notify the department and such individual projects shall be exempted from the requirement to pay the MPS fee.

D. The amount of the MPS fees not collected from low or moderate income household development shall be paid from public funds other than impact fee accounts.

E. DHS is hereby instructed and authorized to adopt, pursuant to K.C.C. chapter 2.98, administrative rules to implement this section. Such rules shall provide for the administration of this program and shall:

1. Encourage the construction of housing for low or moderate income households by public housing agencies or private non-profit housing developers participating in publicly sponsored or subsidized housing programs;

2. Encourage the construction in private developments of housing units for low or moderate income households that are in addition to units required by another housing program or development condition;

3. Ensure that housing that qualifies as low or moderate cost meets appropriate standards regarding household income, rent levels or sale prices, location, number of units, and development size; and

4. Ensure that developers who obtain an exemption from or reduction of MPS fees pursuant to paragraphs A. and B. of this section will in fact build the proposed low and moderate cost housing and make it available to low income households for a minimum of fifteen (15) years. (Ord. 11617 § 53, 1994).

14.75.150 Request for final decision needed to appeal. In order to obtain an appealable final decision the developer must:

A. Request in writing a review of the fee amount by department staff. The department staff shall consider any studies and data submitted by the developer seeking to adjust the amount of the fee; and

B. Request in writing reconsideration by the director or the director's designee of an adverse decision by staff. Such request for reconsideration shall state in detail the grounds for the request. The director or the director's designee shall issue a final, appealable decision after reviewing the request. (Ord. 11617 § 54, 1994).

14.75.160 Necessity of compliance. A development permit issued after the effective date of the MPS provisions of this chapter shall be null and void if issued without substantial compliance with this chapter by the department, DDES and the developer. (Ord. 11617 § 55, 1994).

14.75.300 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 11617 § 66, 1994).

Chapter 14.80
INTERSECTION STANDARDS

Sections:

14.80.010 Authority and purpose. A. This chapter is enacted pursuant to the State Environmental Policy Act, K.C.C. 20.44, and RCW 58.17 and the King County Charter as a home rule county, Article 11, § 11 of the Washington State Constitution.

B. The purpose of this chapter is to:

1. Assure adequate levels of service, safety, and operating efficiency on the King County road system, at intersections serving and directly impacted by proposed new development;

2. Establish standards for intersection operation and define the relationship between new developments on road intersection function;

3. Identify development conditions to assure intersection capacity, safety and operational efficiency; and

4. Require that owners of new developments pay the proportionate costs of required intersection improvements. (Ord. 11617 § 57, 1994).

14.80.020 Definitions.

A. Highway Capacity Manual. Highway Capacity Manual means Special Report 209 of the Transportation Research Board of the National Research Council, as currently amended.

B. Road Standards. Road Standards means the King County Road Standards, 1993, K.C.C. 14.42 (Ordinance 11187, 1993). Terms used in the Road Standards shall have the same meaning when used in this chapter. References and authorities cited in the Road Standards shall also apply to this chapter. (Ord. 11617 § 58-59, 1994).

14.80.030 Significant adverse impacts. For the purposes of SEPA and this chapter, a significant adverse impact is defined as any traffic condition directly caused by proposed development that would reasonably result in one or more of the following conditions at the time any part of the development is completed and able to generate traffic:

A. A roadway intersection that provides access to a proposed development, and that will function at a level of service worse than "E", and that will carry thirty (30) or more added vehicles in any one hour period as a direct impact of the proposed development, and that will be impacted by at least twenty (20) percent of the new traffic generated from the proposed development in that same one hour period; or

B. A roadway intersection or approach lane where the director determines that a hazard to safety could reasonably result. (Ord. 11617 § 60, 1994).

14.80.040 Mitigation and payment of costs. A. Based on the identification of Intersection Standards being exceeded using analytical techniques and information acceptable to the director, the owner of a proposed development shall be required to provide improvements which bring the intersection into compliance with IS, or that return it to its pre-project condition, as may be required by the director. Approval to construct the proposed development shall not be granted until the owner has agreed to build or pay fair and equitable costs to build the improvements required by the director within the time schedule set by the director.

B. At the discretion of the director, and based on technical information regarding traffic conditions and expected traffic impacts, the county may require that the owner of a proposed development pay the full costs of required IS improvements required under this title. (Ord. 11617 § 61, 1994).

14.80.050 Interjurisdictional agreements. A. Nothing in this section shall prevent the county from entering into agreements with the WSDOT or other local jurisdictions for the collection of fees and the mitigation of traffic on state highways or city arterials that may be caused by developments proposed in King County. The level of service standards used in such agreements shall be those of the county, the WSDOT, the local jurisdiction, or some combination of them, as provided in the agreement.

B. Nothing in this section shall prevent the continuation, modification, or fulfillment of existing county agreements with the WSDOT and local jurisdictions that were in force at the effective date of this chapter. (Ord. 11617 § 62, 1994).

14.80.060 Relation to other permit authority. The procedures set forth in this chapter do not limit the authority of King County to deny or to approve with conditions the following:

A. Any zone reclassification request, based on its expected traffic impacts;

B. Any proposed development or zone reclassification if King County determines that a hazard to safety would result from its direct traffic impacts without roadway or intersection improvements, regardless of level of service standards; or

C. Any proposed development reviewed under the authority of the Washington State Environmental Policy Act. (Ord. 11617 § 63, 1994).

14.80.200 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 11617 § 66, 1994).

Chapter 14.85
REGIONAL VACTOR WASTE DISPOSAL

Sections:

14.85.010 Establishment and purpose. The King County council hereby establishes a fee relating to the regional vactor waste disposal plan. Effective January 1, 1998 all non-road services division entities using county operated liquid and solid vactor waste disposal facilities shall pay the service fees set forth in the following schedule. (Ord. 13019 § 1 (part), 1998).

14.85.020 Fees. Service fees for the use of county operated vactor waste disposal facilities shall be $46 per delivery for liquid and $43 per ton for solid vactor waste material. (Ord. 13019 § 1 (part), 1998).

14.85.030 Procedure for collection. The fee shall be collected by the department of transportation roads services division which shall establish a procedure for these fees, and the deposit thereof in the County Road Fund in accordance with RCW 43.09.220. (Ord. 13019 § 1 (part), 1998).

14.85.040 Authorization. The director of the department of transportation is hereby authorized to assess a fee for vactor waste disposal at county operated liquid and solid waste disposal facilities. (Ord. 13019 § 1 (part), 1998).

(King County 3-98)